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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, June 3, 2003 10:00 AM

DOCUMENTS DEPT.

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City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 20

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:03 a.m. On the call of the roll, all Supervisors were noted present.

Quorum present.

COMMUNICATIONS

Clerk of the Board informed the Board that the Office has received the Interim Consolidated Budget and Annual Appropriation Ordinance and the Mayor's proposed Budget for FY 2003-04.

REGULAR AGENDA

UNFINISHED BUSINESS

3 1223 06446 9571

Recommendation of Budget Committee

030804 **[Appropriation - $700,000 for the Airport custodial services]**
Supervisors Sandoval, Daly, Gonzalez, McGoldrick, Peskin, Ammiano, Maxwell, Ma

Ordinance rescinding $700,000 of unencumbered appropriation authority for the Airport Runway Configuration capital project and appropriating $700,000 in fund balance for custodial services for the Airport Commission for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 135-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Hall

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abduallah Megaheed; homeless issues
Jim Corrigan; SFFD budget issues
Margaret Brodkin; budget issues
Bruce Ellison; budget issues
Female Speaker; budget issues and loss of self help agencies
Citizen of SF; HJ 20
Esther Chavez; request the Board to keep open the Self-Help Tenderloin Center
Lena Altura; request the Board to keep open the Self-Help Tenderloin Center
Lou; request the Board to keep open the Self-Help Tenderloin Center
Sarah; Board of Supervisors salary increase
Male Speaker; on behalf of John Jenkel amend HJ 20
Dee; on behalf of John Jenkel amend HJ 20
Kylee; on behalf of John Jenkel amend HJ 20
Ted; Federal Government issues
Male Speaker; amend HJ 20
Harris; on behalf of John Jenkel amend HJ 20
Dr. Karen Stone; amend HJ 20
Ken Lattrell; on behalf of John Jenkel amend HJ 20
Female Speaker; amend HJ 20
Berta Bollenger; amend HJ 20 and war policies
John Jenkel; amend HJ 20, Federal and Local Government issues
Michael Lyon; budget issues and Beilenson hearing process
Dr. Janice Coleman; Department of Public Health budget reductions
Male Speaker; budget reductions in homeless programs
Walter Park; budget reductions to the programs for the disabled
Female Speaker from St. Anthony's Foundation; budget reductions in the homeless programs
Brian Green; appreciation for keeping MERF open
Mary Well; appreciation for keeping MERF open
Jennifer; Coalition on the Homelessness; budget reductions in the homeless programs

OFF CALENDAR LEGISLATION

Ordinances

030784 [Interim Government Funding, Fiscal Year 2003-04]
Mayor

Interim Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030785 [Interim Public Employment, Fiscal Year 2003-04]
Supervisor Daly

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030966 [MOU - Teamsters, Local 853]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030967 [MOU - Automotive Mechanics Union Lodge No. 1414]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Mechanics Union Lodge No. 1414, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030968 [MOU - Deputy Probation Officers' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030969 [MOU - District Attorney Investigators' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030972 [MOU - San Francisco Institutional Police Officers' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030973 [MOU - Municipal Attorneys' Association]
Mayor, Supervisor Gonzalez

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030974 [MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030975 [MOU - San Francisco Interns and Residents Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030976 [MOU - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030977 [MOU - Staff and Per Diem Nurses, SEIU Local 790]
Mayor, Supervisor Daly

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Staff and Per Diem Nurses, SEIU Local 790, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030978 [MOU - Teamsters, Local 856 (Supervising Nurses)]
Mayor, Supervisors Daly, Newsom

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Supervising Nurses), to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030979 [MOU - Laborers International Union, Local 261]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030980 [Establishing an Administrative Services Vehicle Leasing Program Fund]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030981 [Increasing the Emergency Response Fee imposed on telephone subscribers]
Mayor

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030982 [Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.41, to authorize the Controller to collect a fee of $40 for issuing a property tax certificate under Government Code Section 66492 and a fee of $20.00 for issuing a replacement W-2 form. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030986 [Patient Rates, Fiscal Year 2003-04]
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030988 [Setting Administrative Fee for Tow of Vehicles]
Mayor

Ordinance approving administrative fee of $200 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030989 [Waiver of storage fees for stolen vehicles owned by residents]
Mayor

Ordinance repealing San Francisco Municipal Administrative Code Section 10C.8-1, providing for waiver of vehicle storage fees for vehicles reported stolen, which are owned by residents of the City and County of San Francisco. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030990 [Library Fines and Fees]
Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 8.21-2 to (1) adopt a materials recovery fee and (2) authorize the Library Commission to develop policies and procedures to allow the City Librarian to reduce or waive fees in the case of demonstrated financial hardship. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**
Mayor

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030992 **[Amending Administrative Code Section 10.100-218.]**
Mayor

Ordinance amending Administrative Code Section 10.100-218 to (1) permit unencumbered tobacco settlement revenues received by the City and deposited into the Tobacco Settlement Revenue Sub-account prior to the date of issuance of the City's bonded indebtedness authorized by the voters pursuant to Proposition A of November of 1999 to be used for a transfer to the General Fund in fiscal year 2003-2004 for the payment of certain Department of Public Health expenses and (2) provide a guarantee of payment from the City's General Fund in the event that less than $100,000,000 of tobacco settlement revenues are available to be expended on the Laguna Honda Hospital reconstruction project. (Mayor)

6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030994 **[Filing Electronic Copies of Campaign Statements]**
Supervisor Ammiano

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from $10 per day to $25 per day.

6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

030995 **[Licensing and regulation of massage practitioners and businesses]**
Supervisor Daly

Ordinance amending the San Francisco Police Code by repealing Article 27 (Sections 2700 through 2737), and amending the San Francisco Health Code by adding a new Article 29 (Sections 1900 through 1930), both Articles providing for the licensing and regulation of massage practitioners and businesses, and establishing an operative date for the ordinance.

6/3/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 7/3/2003.

030998 **[Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap]]**
Supervisor Hall

Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.
6/3/03, RECEIVED AND ASSIGNED to Land Use Committee.

030999 **[Lot Line Selection for Vacant Lots Abutting Two or More Streets]**
Supervisor McGoldrick

Ordinance amending Planning Code section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.

031033 **[Authorizing Chief of San Francisco Fire Department to appoint a Deputy Chief of Airport Operations]**
Supervisor Peskin

Ordinance amending San Francisco Administrative Code Section 2A.93 authorizing the Chief of the San Francisco Fire Department to appoint a Deputy Chief of Airport Operations.
6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

031034 **[Planning Code - Northeast Waterfront Historic District Signs]**
Supervisor Peskin

Ordinance amending the Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating section 609.14 to address amortization of nonconforming signs in this District, amending section 608 and Article 10, Appendix D, section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.
6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.

030422 **[Environment Code and Precautionary Principle Policy]**
Mayor, Supervisors McGoldrick, Gonzalez, Maxwell, Daly

Ordinance enacting a new Environment Code by repealing Chapters 12I (Tropical Hardwood and Virgin Redwood Ban); 12S (Ban on Purchase of Motor Vehicle Fuel Containing MTBE); 12T (Transportation of Aggregate Materials); 21A (Resource Conservation); 21F (Environmentally Preferable Purchasing); 21G (Arsenic-Treated Wood); 39 (Integrated Pest Management Ordinance); 82 (Resource Efficiency Requirements; 85 (Healthy Air and Smog Prevention); and 5 (Article XXIII) (Urban Forestry Council) of the San Francisco Administrative Code and by re-adopting these provisions with minor changes, including dissolving the inactive Clean Air Advisory Committee, and adding a Precautionary Principal Policy Statement as Chapter 1 of the Environment Code; and requesting the Planning Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)
3/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/17/2003.

6/3/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

6/3/03, RECEIVED AND ASSIGNED to Land Use Committee.

030916 **[Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]**
Supervisor Peskin

Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.
5/20/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

5/23/03, TRANSFERRED to Budget Committee.

6/3/03, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing same title.

6/3/03, ASSIGNED to Budget Committee.

Resolutions

030971 **[PERS Contract Amendment]**
Mayor

Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030983 **[2004 Finance Corporation Equipment Program]**
Mayor

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 11 (Series 2004A Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $9,945,000; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030984 **[Redevelopment Agency Budget, Fiscal Year 2003-2004]**
Mayor, Supervisor Daly

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030985 **[Redevelopment Agency Budget and Bonds, Fiscal Year 2003-2004]**
Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004; and approving the Issuance by the Agency of Bonds in an aggregate principal amount not to exceed $61,000,000 for the purpose of financing Redevelopment activities in fiscal year 2003-2004. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030987 **[Agreement for Naming Rights - Forty Niners, Ltd.]**
Mayor

Resolution approving and authorizing an agreement with the San Francisco Forty Niners, Ltd., for naming rights at the stadium. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

030993 **[Urging the California Public Utilities Commission to reduce PG&E's rates and deny PG&E's request for a rate increase]**
Supervisors Ammiano, Maxwell, Peskin, McGoldrick

Resolution urging the California Public Utilities Commission to reduce PG&E's rates as soon as possible, deny PG&E's request for $15.5 million to install Selective Catalytic Reduction equipment on Hunters Point power plant, and deny any ratepayer funding for costs related to PG&E's opposition to public power initiatives, and urging the City Attorney to advocate these positions before the California Public Utilities Commission.
6/3/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Supervisors Maxwell, Peskin and McGoldrick requested to be added as co-sponsors.

030996 **[Establishing initial terms of office for three members of the Entertainment Commission appointed by the Board of Supervisors]**
Supervisor Hall

Resolution establishing initial terms of office for the three members of the Entertainment Commission appointed by the Board of Supervisors: James Meko (through June 30, 2007), Terrance Alan (through June 30, 2006), and Erik Joseph Pred (through June 30, 2005).
6/3/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

030997 **[Cooperative Agreement for Transbay Terminal Project]**
Supervisors Daly, Hall

Resolution approving a Cooperative Agreement between the City and County of San Francisco, the Transbay Joint Powers Authority and the State of California for the acquisition of vacant State-owned property comprising portions of the former Route 480 and Embarcadero Freeway Right-of-Way, and including the Transbay Terminal and its Loop Ramps, for purposes of the Transbay Terminal Project; and making findings of consistency with the General Plan and eight priority policies of Planning Code section 101.1, and environmental findings.

(No Public Benefit Recipient.)
6/3/03, RECEIVED AND ASSIGNED to Land Use Committee.

031032 **[Treasure Island Development Authority Interim Budget, Fiscal Year 2003-2004]**
Mayor, Supervisor Daly

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031035 **[Implementation of Assembly Bill 1421]**
Supervisor Newsom

Resolution urging the Department of Human Services to implement the provisions of Assembly Bill 1421 to establish an Assisted Community Treatment Program (AOT) model in the City and County of San Francisco.
6/3/03, RECEIVED AND ASSIGNED to City Services Committee.

031041 **[Commending San Francisco Food Bank]**
Supervisors Daly, Peskin, Ma, Newsom

Resolution commending the San Francisco Food Bank for their participation in Hunger Awareness Day.
6/3/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031042 **[Supporting National Coalition for the Homeless]**
Supervisors Daly, Peskin

Resolution supporting the National Coalition for the Homeless recommendations to combat hate crimes and/or acts of violence against people experiencing homelessness.
6/3/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031043 **[Destruction of Non-Felony Case Files]**
Supervisor Ma

Resolution authorizing the Office of the Public Defender to destroy non-felony case files eight years after the final disposition of the case.
6/3/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031044 **[Commend Sing Tao Daily]**
Supervisors Sandoval, Hall, Ma, McGoldrick, Newsom

Resolution commending the Sing Tao Daily for 65 years of outstanding service to the Chinese community in the Bay Area.
6/3/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

030786 [Annual Budget, Fiscal Year 2003-04]
Mayor

Hearing to consider the Mayor's proposed 2003-04 budget for the City and County of San Francisco. (Mayor)
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031002 [Status of the City's Newsrack Program]
Supervisor Dufty

Hearing, requesting that the Department of Public Works (DPW) present the status of the City's implementation of the Pedestal Newsrack program.
6/3/03, RECEIVED AND ASSIGNED to City Services Committee.

031003 [Appointment - Airport Commission]
Supervisor Daly

Hearing to consider Mayor's appointment of Eleanor Johns to the Airport Commission.
6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

031025 [Budget Hearing and Review, FY 2003-04]
Supervisor Daly

Hearing to consider the Annual Budget for the Controller, Public Library, Telecommunications and Information Services, Fire Department, Human Resources, and Civil Service Commission for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031026 [Budget Hearing and Review, FY 2003-04]
Supervisor Daly

Hearing to consider the Annual Budget for Administrative Services/Public Works (Includes Consumer Assurance, Medical Examiner, Animal Care and Control, Convention Facilities, Office of Contract Administration, and Public Works), Ethics Commission, Human Services, Adult Probation, Department on the Status of Women, Emergency Communications, General City Responsibility, Entertainment Commission, and County Education Fund for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031028 [Budget Hearing and Review, FY 2003-04]
Supervisor Daly

Hearing to consider the Annual Budget for the Board of Supervisors, Mayor, City Attorney, Public Defender, District Attorney, Juvenile Probation, Environment, Planning, Adult and Aging Services, and Trial Courts for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031029 **[Budget Hearing and Review, FY 2003-04]**
Supervisor Daly

Hearing to consider the Annual Budget for the Assessor/Recorder, Recreation and Park Department, Public Health, Children Youth and Families, Taxicab Commission, and Municipal Transportation Agency for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031030 **[Budget Hearing and Review, FY 2003-04]**
Supervisor Daly

Hearing to consider the Annual Budget for the Art Commission, War Memorial, Academy of Sciences, Asian Art Museum, Fine Arts Museum, and Elections for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

031031 **[Budget Hearing and Review, FY 2003-04]**
Supervisor Daly

Hearing to consider the Annual Budget for the Human Rights Commission, Sheriff, Police Department, Business/Economic Development, Board of Appeals, Law Library, Redevelopment, and Treasure Island for fiscal year 2003-2004.
6/3/03, RECEIVED AND ASSIGNED to Budget Committee.

Motions

030965 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
6/3/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031001 **[Legislative Analyst Request]**
Supervisors Maxwell, Newsom

Motion requesting the Legislative Analyst to research and examine the process in which small retail and small food outlet business owners obtain permits before operating their businesses. In particular, sponsor is interested in the number of permits required, the location/s where they are obtained, including application pickup, fee payments, and filing for the permits and whether there are any overlaps and how we can streamline and consolidate the processes to make it easier and more efficient.
6/3/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 10, 2003.

Charter Amendments

030812 **[Charter Amendment - Designating the Controller as City Services Auditor]**
Supervisor McGoldrick

Charter amendment (Third Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

5/20/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title.

5/20/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/19/2003.

6/3/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/6/2003.

6/3/03, ASSIGNED to Rules Committee.

030858 **[Charter Amendment - Rainy Day Reserve]**
Supervisors Ammiano, McGoldrick, Newsom

Charter Amendment (Second Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/3/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment (Second Draft) bearing new title.

6/3/03, ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

030637 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt]**
Ordinance approving, for the redevelopment plans listed below, the elimination of the existing time limits in each plan for establishment of loans, advances and indebtedness: (1) the Western Addition Area A-2 Redevelopment Plan, (2) the Yerba Buena Center Redevelopment Plan, (3) the Rincon Point - South Beach Redevelopment Plan, and (4) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan. (Mayor)

5/2/03: Exempt from CEQA Non-physical exemption CEQA Guidelines Section 15060(c)(8) and Section 15378; Fiscal impact.

4/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

5/9/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

5/9/03, ASSIGNED to Finance and Audits Committee.

5/29/03, TRANSFERRED to Budget Committee.

030652 [Amendments to the Municipal Elections Code]

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Sections 555, 560, 565. 570, 585, 830 and 930 to: Conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/29/2003.

5/13/03, SUBSTITUTED. City Attorney submitted a substitute ordnance bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee.

030909 [Street Artist Space Regulations]

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations. (Arts Commission)

5/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

030905 [Settlement of Lawsuit - JMB Construction, Inc.]

Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for $200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action.

(Public Benefit Recipient.)

5/19/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

030883 [Acceptance of an Easement]

Resolution authorizing the acceptance of an avigation easement by the City and County of San Francisco from Martin/Regis San Bruno Associates, L.P. for the development of the former United States Navy Site in the City of San Bruno, at no cost to the City and County of San Francisco. (Real Estate Department)

(Pubic Benefit Recipient.)

5/13/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030890 **[Lease Agreement with Imperial Parking]**

Resolution approving lease agreement with Imperial Parking (U.S.), and the City and County of San Francisco operating by and through the San Francisco Port Commission to operate a surface parking lot at Seawall Lot 330, Embarcadero between Bryant and Beale Streets. (Port)

(No Public Benefit Recipient.)
5/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030900 **[Evaluating the non-name HIV reporting system in California]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to enter retroactively into an agreement with the Regents of the University of California San Francisco (UCSF), the primary contractor, to accept and expend funds in the amount of $11,500 to evaluate the acceptability of California's HIV Surveillance Program by non-name code, for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)
5/15/03, RECEIVED AND ASSIGNED to City Services Committee.

030901 **[Accept-Expend State Grant]**
Supervisors Dufty, Newsom

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)
5/16/03, RECEIVED AND ASSIGNED to City Services Committee.

030902 **[Accept-Expend State Grant]**
Supervisors Dufty, Newsom

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $74,028 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)
5/16/03, RECEIVED AND ASSIGNED to City Services Committee.

030903 **[IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]**
Supervisor Dufty

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of $51,890,907.

(No Public Benefit Recipient.)
5/19/03, RECEIVED AND ASSIGNED to City Services Committee.

030904 [Child Care Services Contract Approval - Children's Council of San Francisco]
Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of $104,579,925.

(Fiscal impact; No Public Benefit Recipient.)
5/19/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Dufty
To: City Attorney
Requesting/Inquiring: To draft an ordinance that allows for an amnesty program for dog licensing fees.

In Memoriams

Angelo M. George (Supervisor Hall)
Mira Bhatia (Supervisors Maxwell, Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 11:45 a.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 8, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, June 10, 2003 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 21

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, the following Supervisor was noted absent.

Supervisor Ammiano - 1

Quorum present.

Supervisor Ammiano was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Ma, moved to approve April 29, 2003 and May 6, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Privilege of the Floor

Supervisor Hall, seconded by Supervisor Peskin, moved to suspend Rule 4.28 Rules of Order of the Board of Supervisors to grant the privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Hall introduced, welcomed and presented a Certificate of Honor to Anthony G. Wagner, Administrator of Laguna Honda Hospital in recognition of his retirement.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to San Francisco Police Officers Sam Chris and Thomas Smith in recognition of their efforts in apprehending criminals.

CONSENT AGENDA

Recommendation of the Finance and Audits Committee

030345 **[Acceptance of Gift]**

Resolution accepting a gift of $55,000 from the Market Street Railway and authorizing said funds to be expended for the purchase of Historic Streetcar #162 from the Orange Empire Railway Museum. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Resolution No. 364-03

ADOPTED

030540 **[Airport Concession Lease]**

Resolution approving the Terminal 3 Specialty Retail Store Lease between Brookstone Company, Inc.. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(No fiscal impact; Public Benefit Recipient.)

Resolution No. 367-03

ADOPTED

030605 **[Modification #9 to Lease and Use Agreement with US Airways, Inc. at Terminal 1 - SF International Airport]**

Resolution approving and authorizing the execution of Modification # 9 to the Lease and Use Agreement L-82-0120 with US Airways, Inc., to reduce terminal space in Terminal 1 of San Francisco International Airport. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 368-03

ADOPTED

030822 **[Lease of Real Property]**

Resolution authorizing the exercise of a five year option to extend the Lease of approximately 7,725 square feet of space at 3801 3rd Street, suites 110, 210, 220 and 230 for the Department of Human Services. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 377-03

ADOPTED

030823 **[Lease of Real Property]**
Resolution authorizing the exercise of a five year option to extend the Lease of approximately 1,800 square feet of space at 3801 3rd Street, suite 205 for the Department of Human Services. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 378-03
ADOPTED

030880 **[Lease of Real Property]**
Resolution authorizing a lease renewal at 729 Filbert Street for the Department of Public Health. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 379-03
ADOPTED

030881 **[Lease of Real Property]**
Resolution authorizing a lease renewal at 2001 Van Ness Avenue/1700 Jackson Street for the Department of Public Health. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 380-03
ADOPTED

Recommendations of the Rules Committee

030596 **[Settlement of Lawsuit - Nishkian & Associates]**
Ordinance approving settlement of litigation of City and County of San Francisco against Nishkian & Associates for $40,000. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 137-03
FINALLY PASSED

030691 **[Settlement of Legal Proceeding]**
Ordinance approving the settlement of a claim flied by the City and County San Francisco in the bankruptcy entitled In re Metricom, Inc., United States District Court, Northern District of California, Case No. 01-53291-ASW. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

030773 **[Settlement of Lawsuit - Loretta A. Bowie]**

Ordinance authorizing settlement of the matter of Loretta A. Bowie v. City and County of San Francisco and Louise Statzer for $92,500. The lawsuit was filed on April 17, 2002, in San Francisco Superior Court, Case No. 406-801, and was removed to United States District Court on June 26, 2002, Case No. C 02-3082 SI; entitled Loretta A. Bowie v. City and County of San Francisco and Louise Statzer. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

030774 **[Settlement of Lawsuit - Derrell Neal]**

Ordinance authorizing settlement of the lawsuit filed by Derrell Neal against the City and County of San Francisco for $40,000; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 401-659; entitled Derrell Neal, et al., v. City and County of San Francisco, et al.

(Public Benefit Recipient.)

PASSED, ON FIRST READING

030775 **[Settlement of Lawsuit - YONG SHAO MA and PUI KAY CHAN]**

Ordinance authorizing settlement of the lawsuit filed by YONG SHAO MA and PUI KAY CHAN against the City and County of San Francisco for $750,000; the lawsuit was filed on October 26, 1998 in San Francisco Superior Court, Case No. 998-809; entitled Yong Shao Ma, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

030263 **[Appointment]**

Resolution appointing Elissa Eckman, Chin Chi, Sherri Franklin and Susan Kendall Wheeler, term ending April 30, 2005, to the Animal Control and Welfare Commission.

Elissa Eckman, succeeding Elissa Eckman, term expired, seat 3, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.
Chin Chi, succeeding June Wilson, term expired, seat 4, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.
Sherri Franklin, succeeding Sherri Franklin, term expired, seat 5, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.
Susan Kendall Wheeler, succeeding Cheryl Bently, resigned, seat 6, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Resolution No. 361-03
ADOPTED

030264 **[Appointment]**

Resolution appointing Dennis Yun and Dorothy Shaffer, term ending January 31, 2006 to the Mental Health Board.

Dennis Yun, succeeding Dennis Yun, term expired, seat 12, must be a consumer; for the unexpired portion of a three year term ending January 31, 2006.
Dorothy Shaffer, succeeding Dorothy Shaffer, term expired, seat 16, must be a family member; for the unexpired portion of a three year term ending January 31, 2006.

Resolution No. 362-03
ADOPTED

030745 **[Settlement of Claim - Thomas W. Westwood]**

Resolution approving the settlement of the unlitigated claim filed on February 7, 2002 by Thomas W. Westwood against the City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Resolution No. 372-03
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Severed From the Consent Agenda

Supervisor Daly requested that this matter be severed so that it could be considered separately.

030780 **[Lease of Real Property]**

Resolution authorizing a Sublease renewal of approximately 117,826 square feet of space at 1235 Mission Street for the Department of Human Services. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

Continued to June 17, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

UNFINISHED BUSINESS

REGULAR AGENDA

From the Clerk

(Only one of the following two motions should be adopted.)

Privilege of the Floor

Supervisor Hall, seconded by Supervisor Newsom, moved to suspend Rule 4.28 Rules of Order of the Board of Supervisors to grant the privilege of the floor to Jim Reuben, Attorney for the project sponsor. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030655 **[Appeal, Conditional Use - 2690 Harrison Street (aka 3000 23rd Street)]**

Motion approving decision of the Planning Commission by its Motion No. 16546, approving Conditional Use Application No. 2000.1311EC, on property located at 2690 Harrison Street (aka 3000 23rd Street), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Daly

030656 **[Appeal, Conditional Use - 2690 Harrison Street (aka 3000 23rd Street)]**

Motion disapproving decision of the Planning Commission by its Motion No. 16546, approving Conditional Use Application No. 2000.1311EC, on property located at 2690 Harrison Street (aka 3000 23rd Street), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Motion disapproving decision of the Planning Commission by its Motion No. 16546, approving Conditional Use Application No. 2000.1311EC, on property located at 2690 Harrison Street (aka 3000 23rd Street), and approving te issuance of the Conditinal Use Application, subject to additional conditions imposed by the Board of Supervisors. (Clerk of the Board)

Motion No. M03-89

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Daly

030657 **[Findings - 2690 Harrison Street (aka 3000 23rd Street)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1311EC, on property located at 2690 Harrison Street (aka 3000 23rd Street), for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-90

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030658 **[Environmental Review]**

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2690 Harrison Street (aka 3000 23rd Street). (Clerk of the Board)

Motion No. M03-91

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Rules Committee

030328 **[Settlement of Unlitigated Claim]**
Supervisors Hall, Ma

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved to amend to include a personal guarantee for the lease from the new lessee.

Motion failed by the following vote:
Ayes: 3 - Daly, Mcgoldrick, Peskin
Noes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Sandoval,
PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Sandoval
Noes: 2 - Daly, Peskin

020938 **[Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**
Supervisors Ammiano, Gonzalez, Dufty, Hall, Newsom, Ma

Charter Amendment (Fifth Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/10/03 Amended on page 1, after "of such contract" by adding New Paragraph "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this section."

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Daly, seconded by Supervisor Peskin, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Budget Committee

030628 **[Making Environmental Findings and Increasing Fees Charged for Inspection and Certification of Agriculture Products]**
Mayor, Supervisor Daly

Ordinance making environmental findings and amending the San Francisco Administrative Code to increase the fees charged by the Department of Consumer Assurance for inspection and certification of agriculture products prior to shipment. (Mayor)

Ordinance No. 139-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the City Services Committee

030541 **[Abolishing a portion of official sidewalk - Lyon Street south of Bay Street]**
Supervisor Newsom

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1559 to abolish a portion of official sidewalk on the westerly side of Lyon Street south of Bay Street; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk abolishment. (Public Works Department)

(No fiscal impact; No Public Benefit Recipient.)

Ordinance No. 136-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Land Use Committee

030643 **[Street Vacation for Metro East Project]**
Ordinance ordering the summary vacation of portions of 26th Street, Michigan Street, Georgia Street and Louisiana Street; making findings pursuant to the California Streets and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the ordinance. (Real Estate Department)

(No Public Benefit Recipient.)

Ordinance No. 140-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

NEW BUSINESS

Recommendations of the City Services Committee

030365 **[Funding Levels for Department of Aging and Adult Services]**
Supervisors Newsom, Dufty, Ma, Daly

Resolution urging the Mayor to maintain funding levels for services for older adults and adults with disabilities served by and through the Department of Aging and Adult Services.

Amended on page 2, lines 18 and 19 by striking "urge the Mayor to" and by inserting "support maintaining the" and further amended on page 2, line 17 after "Commission" by inserting "in".

Supervisor Newsom, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution No. 399-03
ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030692 **[Accept- Expend Proposition 13 Grant]**
Supervisor Peskin

Resolution authorizing the Department of the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $1 million from the Proposition 13 account for the removal of Niles and Sunol dams. (Public Utilities Commission)

(No Public Benefit Recipient.)

Resolution No. 369-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030746 **[Mental health services to HIV positive women and their adult family members amendment 2]**
Resolution authorizing the San Francisco Department of Public Health, HIV Mental Health Program at the Center for Special Problems (SFDPH, CSP) to enter retroactively into an agreement, Amendment Number 2, in an additional amount of $30,000 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to provide outpatient mental health services to women who have HIV and their adult family members, for the period of August 1, 2002 to July 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 373-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

030577 **[Parental Leave]**
Supervisor Daly

Ordinance approving rules for administration, interpretation and regulation of Parental Leave as submitted by the Department of Human Resources.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030609 **[Appropriate funding from the sale of certificates of participation for the Juvenile Hall Reconstruction Project]**
Mayor, Supervisor Hall

Ordinance appropriating $42,052,080 from the sale of certificates of participation by the Mayor's Office of Criminal Justice to fund the Juvenile Hall Reconstruction Project for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030631 **[Competitive Bid and Prevailing Wage Exemption for Job Training Program - San Francisco Conservation Corps]**
Supervisors Maxwell, Newsom, Peskin

Ordinance exempting the San Francisco Conservation Corps from the prevailing wage requirements and waiving the competitive bid requirements for the Recreation and Park Commission's award of a contract for construction of playgrounds, restoration of natural areas and implementation of erosion control measures in San Francisco parks.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030683 **[Funding for the over-expenditures in the Conflicts Panel (Indigent Defense) Program]**
Mayor

Ordinance appropriating $150,000 in the Child Support Services Fund and $1,050,000 from the General Fund Reserve for a total of $1,200,000 to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of $500,000 carried forward from FY 2001-02 and $700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Supervisor Hall requested to divide this item.

Question concerning the appropriation of $1,050,000 from the General Fund Reserve to cover over expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program was divided and considered separately under File. No. 031091.

DIVIDED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Ordinance appropriating $150,000 in the Child Support Services Fund to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of $150,000 carried forward from FY 2001-02 and $700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031091 [Funding for the over expenditures in the Conflict Panel (Indigent Defense) Program]

Ordinance appropriating $1,050,000 from the General Fund Reserve to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of $350,000 carried forward from FY 2001-02 and $700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03.

(Fiscal impact.)

Divided from File No. 030683.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Newsom, Peskin, Sandoval
Noes: 3 - Hall, Ma, McGoldrick

Supervisor Hall moved to rescind the previous vote.
Motion carried without objection.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Hall, Ma

030742 [Appropriation, $1,600,000 - Department of Elections]
Supervisors Gonzalez, Daly

Ordinance appropriating funding not to exceed $1,600,000 from the General Fund Reserve for professional services to implement a ranked-choice voting system for the Department of Elections for fiscal year 2002-03.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030845 [Appropriation - $776,000, Department of Elections]

Ordinance appropriating $526,000 from the General Fund Reserve to implement the ranked-choice voting public education plan for the Department of Elections for fiscal year 2002-03.

Supervisor Daly, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Ordinance appropriating $776,000 from the General Fund Reserve to implement the ranked-choice voting public education plan for the Department of Elections for fiscal year 2002-03, placing $250,000 on reserve by the Finance Committee.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030342 **[Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP)]**

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of $26,759,043 from the Federal Aviation Administration, and any subsequent amendments offered by the Federal Aviation Administration: $24,259,043 to be expended on standard Airport improvements (A.I.P 23, Project No. 3-06-0221-23); and $2,500,000 for Airport security improvements (A.I.P 24, Project No. 3-06-0221-24). (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 363-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030505 **[Outreach Advertising]**

Resolution designating the Asian Week to be outreach newspaper of the City and County of San Francisco for the Chinese community for outreach advertising for the fiscal year commencing July 1, 2003 and ending June 30, 2004; and designating El Mensajero and the Bay Area Reporter to be outreach newspapers for the Hispanic and Lesbian, Gay, Bisexual and Transgender communities for the fiscal year commencing July 1, 2003 and ending June 30, 2004. (Purchaser)

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be RE-REFERRED to the Finance and Audits Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030506 **[Official Advertising]**

Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period of July 1, 2003 and ending August 30, 2003. (Purchaser)

(Fiscal impact; No Public Benefit Recipient.)

NOT ADOPTED by the following vote:

Ayes: 5 - Dufty, Hall, Ma, Maxwell, Newsom
Noes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval

030653 **[Mayor's Summer Food Service Program]**
Supervisors Ma, Newsom

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $420,350 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 359-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030693 **[Prevailing Wage Rates]**

Resolution fixing the prevailing wage rates for workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City. (Civil Service Commission)

(No Public Benefit Recipient.)

Resolution No. 370-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030730 **[Sale of Assessor's Block 3740, Lot 27 to Redevelopment Agency for $10,034,140]**

Resolution approving the sale of real property commonly known as Assessor's Block 3740, Lot 27 (consisting of approximately 34,057 square feet and located along the west side of Spear Street between Folsom and Howard Streets) to the San Francisco Redevelopment Agency for $10,034,140. (Mayor)

(Public Benefit Recipient.)

Resolution No. 371-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030752 **[Purchase of Real Property at 1298 Ocean Avenue for the Public Library]**

Supervisors Sandoval, Hall, Ma

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and George Yasbek, a single man (the "Seller"), for the purchase of real property and improvements located at 1298 Ocean Avenue, San Francisco, for use as the Ingleside Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting the findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 374-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Ammiano was noted absent at 10:45 p.m.

030794 **[Exclusive Negotiating Agreement for Development of the Old Mint]**

Mayor, Supervisors Daly, Peskin, Newsom, Dufty, Sandoval, Maxwell

Resolution endorsing the City entering into an Exclusive Negotiating Agreement with the San Francisco Museum and Historical Society for the development of the Old Mint. (Mayor)

Resolution No. 375-03

ADOPTED by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

030795 **[Conveyance of Old Mint]**
Mayor, Supervisors Daly, Peskin, Newsom, Dufty, Sandoval, Maxwell

Resolution authorizing the City to accept title to the Old Mint pursuant to a deed and programmatic agreement and adopting findings. (Mayor)

Resolution No. 376-03
ADOPTED by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

030885 **[2003 Neighborhood Recreation and Park Facilities General Obligation Bond Sale]**
Supervisor Newsom

Resolution authorizing and directing the sale of not to exceed $20,960,000 City and County of San Francisco General Obligation Bonds (Neighborhood Recreation and Park Facilities Improvement Bonds, 2000), Series 2003A; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 360-03
ADOPTED by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

From the Finance and Audits Committee Without Recommendation

030400 **[Approval of Lease Amendment for Waterfront Restaurant]**
Resolution approving Fourth Lease Amendment to Port Lease No. L-11859 between the Port Commission and Bundox Restaurant, Inc., a California corporation ("Tenant") for the lease of real property commonly known as the Waterfront Restaurant for the term commencing on November 1, 2002 and ending January 31, 2025. (Port)

(Public Benefit Recipient.)

Resolution No. 365-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Land Use Committee

030511 **[Accept-Expend Foundation Grant]**
Supervisor Newsom

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community, placing $10,000 on reserve. (Environment)

(Public Benefit Recipient.)

Resolution No. 366-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Rules Committee

030660 **[Settlement of Lawsuit - Carmi L. Johnson]**
Ordinance authorizing settlement of the lawsuit filed by Carmi L. Johnson against the City and County of San Francisco for $85,000; the lawsuit was filed on March 2, 2001 in United States District Court, Northern District, Case No. C01-0904 SBA; entitled Carmi L. Johnson v. City and County of San Francisco, Roland Chen, Therese Madden; other material terms of said settlement are: 1. PUC to redistribute policies regarding prevention of harassment and retaliation; 2. City to provide contact individual at City Department of Human Resources for future EEO issues. (City Attorney)

(Public Benefit Recipient.)
(Supervisor Hall dissenting in committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Ammiano

030034 [Campaign Finance Reform Amendments of 2003]
Supervisor Gonzalez

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarifiy that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to $5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-ration is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to $5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections shall decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

030740 [Amending Rule 4.29 at Board of Supervisors meetings]
Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries shall occur at 2pm, and the recognition of commendations shall occur at 3pm.

Continued to June 17, 2003

President Gonzalez, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

030426 **[Charter Amendment - Creating a Small Business Commission]**
Supervisors Daly, Peskin, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick

Charter amendment (Second Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

Continued to June 17, 2003
CONTINUED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 2:50 P.M.

030922 **[Youth Commission Year End Report]**
Report from the San Francisco Youth Commission. (Clerk of the Board)

Members of the Youth Commission presented their Year End Report to the Board.
FILED.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

030911 **[Committee of the Whole - Beilenson Hearing]**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services. (Beilenson Hearing) (See Public Notice posted outside the Clerk of the Board's Office, Room 244, City Hall) (Clerk of the Board)

Supervisor Newsom was noted absent at 6:00 p.m.

Chief Financial Officer; Department of Public Health reviewed proposed closures with the Board
Michael Lyon; opposed to proposed DPH health reductions
Danielle White; opposed to proposed DPH health reductions
Chezza female speaker; opposed to Paratransit reductions
Amilo Gomez; opposed to proposed DPH health reductions, medical interpreters
Greg George; opposed to proposed DPH health reductions, AIDS Health Project
Abdullah Megaheed; homeless issues
Jerry Grace; opposed to proposed DPH health reductions
Mary Magannon, nurse at SFGH; opposed to proposed DPH health reductions, medical interpreters, patient referral
Hillary Parsons, registered nurse home care; opposed to proposed DPH health reductions, patient referral
Ms. Aiello, nurse; opposed to proposed DPH health reductions, patient referral
Ed Finchley, medical social worker SFGH; opposed to proposed DPH health reductions; medical interpreters
Sarah Weinberg, acupuncturist opposed; to proposed DPH health reductions
Jonathan Bernic, Exec. Director of Baker Places; opposed to proposed DPH health reductions
Joey Kane, Haight Ashbury Free Clinics; opposed to proposed DPH health reductions, community based organizations
Ms. McCloud, representative of the Filipino American Council issues relating to opposed; to DPH reductions for elder individuals
Female speaker; save Hope Team
Norma Taxin, Directer Filipino Employment Center; opposed to DPH reductions for elder individuals
Myrna Lim; opposed to proposed DPH health reductions
Dr. Verna Mathes, Drop In Center; opposed to proposed DPH health reductions, women's outreach
Cynthia Wong, CAA; opposed to proposed DPH health reductions, medical interpreters
James Beck, Deputy Director, Haight Ashbury Free Clinic; opposed to proposed DPH health reductions, women's outreach program
Norman, opposed to proposed DPH health reductions, women's outreach program
Kelly Keith, AIDS Health Project; opposed to proposed DPH health reductions, AIDS Health Project,
Christopher Matthews, opposed to proposed DPH health reductions, AIDS Health Project
Male speaker; opposed to proposed DPH health reductions, HOPE team
Andrew Hayes, DPH social worker; opposed to proposed DPH health reductions, HOPE team
Barbara Farrell, opposed to proposed DPH health reductions; treatment on demand
Catherine Call; opposed to proposed DPH health reductions, HOPE team
Coordinator of acupuncture at Bayview, opposed to proposed DPH health reductions; in assisting in mental substance abuse
Katherine Patterson; opposed to proposed DPH health reductions, acupuncture in assisting in mental substance abuse
Eve Meyer, Executive Director Suicide Prevention; opposed to proposed DPH health reductions, on behalf of mental substance abuse facilities
Director, opposed to proposed DPH health reductions; Shanti Project
Jennifer Magowan; opposed to proposed DPH health reductions, Shanti Project
Female Speaker; opposed to proposed DPH health reductions, Shanti Project
Ms. Hatfield; opposed to proposed DPH health reductions, HIV Health project
Mark, Employee Positive Center; opposed to proposed DPH health reductions, HIV AIDS Health projects
Brett Andrew, Executive Director of Positive Center opposed; to proposed DPH health reductions, HIV AIDS Health projects
Patrick Shaw; opposed to proposed DPH health reductions, AIDS Foundation
Sasha Cutler; opposed to proposed DPH health reductions, DPH medical interpreters and patient referral
Rev. Joe McMurray; opposed to proposed DPH health reductions, HIV AIDS Health projects

Rebecca K. Marlow, nurse, SEIU; opposed to proposed DPH health reductions, medical interpreters and patient referral
Susan Obuttah, Director Adult Urgent Care; opposed to proposed DPH health reductions, medical interpreters and patient referral
Bob Ivory, nurse at SFGH; opposed to proposed DPH health reductions, medical interpreters and patient referral
Alvetta Nesbitt, Director of Bayview Hunters Point Foundation; opposed to proposed DPH health reductions, substance abuse and acupuncture reductions
Male speaker; Day labor program (through interpreter); opposed to proposed DPH health reductions, HOPE Team and medical interpreters
Cal Fernandez, Help Worker 3 employee of HOPE team; opposed to proposed DPH health reductions, HOPE Team and medical interpreters
HEARD AT PUBLIC HEARING.

SPECIAL ORDER 3:00 P.M.

030886 [Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

Continued to June 17, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030887 [Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 17, 2003

CONTINUED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval

030888 **[Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 17, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval

030889 **[Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 17, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

030838 **[Public Hearing - Appeal, Statutory Exemption, Wharf J-10]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 15, 2003, approving a statutory exemption from the California the California Environmental Quality Act under Public Resources Code Section 21080(b)(4). (Frank Alioto Company,Inc. Appellant)

(Appeal filed May 6, 2003 and supplemented May 7, 2003 by Frank Alioto Company, Inc.; Determination date of Statutory Exemption: April 15, 2003.)

David Cincotta, Attorney for Appellant, Frank Alioto Co., Inc.
Clint Callan, Attorney for Appellant, Frank Alioto Co.. Inc.

Ms. Lazio, support of appellant
Lynn Jefferson, support of appellant
Fr. Louis Vettello, support of appellant
Sal Busaalacchi, support of appellant
Ernestine Weiss, support of appellant
Christopher Martin, Fisherman's Wharf Advisory Committee, support of appellant
Mary Roth, Telegraph Hill, support of appellant
Al Feggaro, Fisherman's Wharf Advisory Committee, support of appellant
Francisco Di Costa, support of appellant
Ms. Lazzio, support of appellant

Paul Maltzer, Environmental Review Officer, Planning Department reviewed with the Board the Planning Commission's recommendation for the CEQA exemption.

Ms. Nieret Mizushima, Chief Harbor Engineer, Diana Oshima, Director of Planning at the Port; and Douglas Wong, Port Director, reviewed with the Board the Port's recommendations.

Board Members reviewed and discussed issues with the Port Commission's representatives.

Wes Hayes, Marine Engineer, support of the Port project
Henry Chang, Engineer, support of the Port project
Gary Zacker, Zacker Company, support of the Port project
Myrna Lynnn, issues regarding the environmental review

A rebuttal period was allowed.
David Cincotta and Clint Callan, Attorneys for the Appellant, Frank Alioto Co., Inc.
Representative from Holmes Culley Company.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following three motions should be adopted.)

030840 **[Finding Appeal of the Statutory Exemption for Wharf J-10 Timely]**

Motion finding the appeal of the statutory exemption issued on April 15, 2003 for Wharf J-10 timely filed. (Clerk of the Board)

Diana Oshima Director of Planning of the Port Commission, requesting that the Board to find that the appeal was not filed in a timely manner.

David Cincotta, Attorney for Appellant Frank Alioto Co., Inc., requesting the Board to find that the appeal was filed in a timely manner.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the public hearing closed.

Motion No. M03-96

Supervisor Newsom, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030839 **[Finding Appeal of the Statutory Exemption for Wharf J-10 Untimely]**

Motion finding the appeal of the statutory exemption issued on April 15, 2003 for Wharf J-10 not timely filed. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031045 **[Finding of the Statutory Exemption for Wharf J-10 Untimely but Determining to Hear and Determine the Appeal]**

Motion finding the appeal of statutory exemption issued on April 15, 2003 not timely filed but determining to hear and determine the appeal. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

(Only one of the following two motions should be adopted.)

Supervisor Newsom, seconded by Supervisor Ammiano, moved to continue this matter to June 17, 2003.

Motion failed by the following vote:
Ayes: 2 - Newsom, Peskin
Noes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Sandoval

030906 **[Affirming the statutory exemption issued for Wharf J-10]**

Motion affirming the determination by the Planning Department that the Wharf J-10 project is statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030907 **[Disapproving the statutory exemption issued for Wharf J-10]**

Motion disapproving the determination by the Planning Department that the Wharf J-10 project is statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency. (Clerk of the Board)

Motion No. M03-92

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030908 **[Preparation of findings to disapprove statutory exemption issued for Wharf J-10]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Wharf J-10 project is statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency. (Clerk of the Board)

Motion No. M03-93

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

COMMITTEE REPORTS

From the Budget Committee

030830 [Public Works Code Permit Fees and Assessment]
Mayor

Ordinance adding Article 2.1 of the Public Works Code to add sections 2.1.1, 2.1.2, 2.1.3, and 2.1.4 concerning permit fees and occupancy assessments, specifying procedures to establish such permit fees and assessments, amending section 2.4.45 to modify the procedures for fee review and adjustments, and making environmental findings. (Mayor)

Amended on page 3, line 8, after "that" by deleting "is".

Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom
Noes: 3 - Gonzalez, Peskin, Sandoval
Absent: 1 - Ammiano

From the City Services Committee

030918 [Halloween in the Castro]
Supervisors Dufty, Ammiano, Ma, Newsom, McGoldrick, Daly, Maxwell

Resolution recognizing and establishing Halloween in the Castro as an official City event, encouraging the involvement and cooperation of City Agencies to prepare for this year's Halloween and identifying the basic parameters of this event.

Resolution No. 381-03

ADOPTED by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031001 [Legislative Analyst Request]
Supervisors Maxwell, Newsom

Motion requesting the Legislative Analyst to research and examine the process in which small retail and small food outlet business owners obtain permits before operating their businesses. In particular, sponsor is interested in the number of permits required, the location/s where they are obtained, including application pickup, fee payments, and filing for the permits and whether there are any overlaps and how we can streamline and consolidate the processes to make it easier and more efficient.

APPROVED by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

From the Rules Committee With Recommendation "Do Not Pass"

030837 [Settlement of Lawsuits - Tammy Haygood]

Ordinance authorizing settlement of federal and state lawsuits and administrative proceedings between the City and County of San Francisco and Tammy Haygood filed in connection with her employment and removal as Director of the Department of Elections including a lawsuit filed on July 17, 2002 in Superior Court, State of California, Case No. CPF 02-501387, entitled City and County of San Francisco, Petitioner v. Civil Service Commission of the City and County of San Francisco, Respondent, Tammy B. Haygood, Real Party in Interest, and a lawsuit filed on July 17, 2002 in United States District Court, Case No. C02-3433 WHA, entitled Tammy B. Haygood v. Michael Mendelson, et al. The material terms of the settlement are Haygood will dismiss with prejudice all claims against San Francisco in these lawsuits and all complaints filed with the California Department of Fair Employment and Housing, the Department of Labor and any other administrative action, and Haygood will reimburse the City for payments of certain wages and benefits if she returns to City employment within two years. (City Attorney)

(Public Benefit Recipient.)
(Supervisor Dufty dissenting in committee.)

NOT PASSED ON FIRST READING by the following vote:
Ayes: 5 - Dufty, Ma, Maxwell, Newsom, Peskin
Noes: 6 - Ammiano, Daly, Gonzalez, Hall, McGoldrick, Sandoval

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

City as Plaintiff and Defendant

031014 **[Closed Session - Existing Litigation, City as Plaintiff and Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation and administrative claims in which, in sum, Tammy Haygood challenges her removal as Director of the Department of Elections.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending litigation and administrative claims listed below.

San Francisco v. Civil Service Commission of San Francisco (Tammy Haygood, Real Party In Interest), S. F. Superior Court No. CPF-02-501387 (filed July 15, 2002)
Tammy Haygood v. Michael Mendelson, et al., U. S. District Court No. C02-03433 WHA (filed July 17, 2002)
Haygood v. Mendelson, Department of Fair Employment and Housing No. E200203A1013-06-amrse (filed January, 2003)
Haygood v. San Francisco, California Department of Labor Claim (filed February, 2003 (City Attorney)

Supervisor Peskin, seconded by Supervisor Daly, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recess

The Board recessed at the hour of 8:15 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 9:00 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Newsom, Peskin, Sandoval - 11

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in attendance:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Joe Quinn, Deputy City Attorney
Ted Lakey, Deputy City Attorney
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Peskin, seconded by Supervisor Daly, moved not to disclose its Closed Deliberations. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

030926 [Homeless Death Count]
Supervisors Newsom, Daly

Resolution urging the Medical Examiner and the Director of the Department of Public Health, in collaboration with the Mayor's Office of Homelessness, to reactivate the Homeless Death Prevention Community Advisory Board or some other appropriate policy-making group to track and analyze the death of homeless individuals.

Resolution No. 400-03
ADOPTED

030930 [Commend Joe Lynn]
Supervisors Gonzalez, Ammiano, Newsom, Maxwell, McGoldrick, Peskin, Sandoval, Dufty, Ma, Daly, Hall

Resolution commending Joe Lynn, Campaign Finance Officer of the Ethics Commission for his tireless efforts in promoting the public's right to know the state of campaign finance in San Francisco.

Resolution No. 382-03
ADOPTED

030931 [Commend Chief Juvenile Probation Officer Jesse E. Williams Jr.]
Supervisors Maxwell, Dufty, Hall, Ma, Daly, Newsom

Resolution commending Chief Juvenile Probation Officer Jesse E. Williams Jr. for his exemplary services and dedication to San Francisco.

Resolution No. 383-03
ADOPTED

030932 [Extension of Planning Commission Review Period]
Supervisor McGoldrick

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by amending Sections 311 and 312 to require expanded public notice of exterior alteration projects and requiring the Building and Planning Departments to issue implementing regulations within 90 days and report to the Board on the effectiveness of the ordinance no later than nine months thereafter.

Resolution No. 384-03
ADOPTED

030933 **[SFUSD to Consider Tagalog/Filipino Language Access for Students]**
Supervisors Sandoval, Ma, Daly

Resolution urging the San Francisco Unified School District to consider Tagalog/Filipino language access and studies as a necessary part of the school system curriculum.

Resolution No. 385-03
ADOPTED

030935 **[Healthy Business Environment in Chinatown]**
Supervisors Peskin, Ma, Dufty, Hall, Daly, Newsom

Resolution supporting efforts to foster a healthy, expanding business environment in San Francisco's Chinatown during these economically challenging times.

Resolution No. 386-03
ADOPTED

030936 **[SS Jeremiah O'Brien Day]**
Supervisors Peskin, Dufty, Hall, Newsom

Resolution declaring June 19, 2003 SS Jeremiah O'Brien Day in celebration of the 60th birthday of the sole operational survivor of the 5,000 ship armada that stormed Normandy Beachheads on D-Day.

Resolution No. 387-03
ADOPTED

030937 **[Supporting Senate Bill 304]**
Supervisor Peskin

Resolution supporting Senate Bill 304 and efforts in the California State Senate to foster greater competition in the retail gasoline market.

Resolution No. 388-03
ADOPTED

030938 **[Recycled paper for catalogs]**
Supervisors Peskin, Newsom

Resolution urging the consumer catalog industry to use 50 percent post-consumer recycled paper for catalogs, to preserve natural resources, to conserve landfill space, and to reduce air and water pollution associated with the manufacturing of virgin wood-fiber paper.

Resolution No. 389-03
ADOPTED

030996 **[Establishing initial terms of office for three members of the Entertainment Commission appointed by the Board of Supervisors]**

Supervisor Hall

Resolution establishing initial terms of office for the three members of the Entertainment Commission appointed by the Board of Supervisors: James Meko (through June 30, 2007), Terrance Alan (through June 30, 2006), and Erik Joseph Pred (through June 30, 2005).

Resolution No. 390-03

ADOPTED

031041 **[Commending San Francisco Food Bank]**

Supervisors Daly, Peskin, Ma, Newsom

Resolution commending the San Francisco Food Bank for their participation in Hunger Awareness Day.

Resolution No. 391-03

ADOPTED

031042 **[Supporting National Coalition for the Homeless]**

Supervisors Daly, Peskin

Resolution supporting the National Coalition for the Homeless recommendations to combat hate crimes and/or acts of violence against people experiencing homelessness.

Resolution No. 392-03

ADOPTED

031043 **[Destruction of Non-Felony Case Files]**

Supervisor Ma

Resolution authorizing the Office of the Public Defender to destroy non-felony case files eight years after the final disposition of the case.

Resolution No. 393-03

ADOPTED

031044 **[Commend Sing Tao Daily]**

Supervisors Sandoval, Hall, Ma, McGoldrick, Newsom

Resolution commending the Sing Tao Daily for 65 years of outstanding service to the Chinese community in the Bay Area.

Resolution No. 394-03

ADOPTED

030965 **[Needle Exchange Emergency]**

Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-95

APPROVED

030950 **[Final Map for a 10 Unit Commercial / Residential Condominium Project]**

Motion approving Final Map of 222 Valencia Street, a Commercial / Residential Condominium Project, being a subdivision of Lot 4 in Assessor's Block No. 3533, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,152; District 6.)

Motion No. M03-94
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

Severed From the Without Committee Reference Agenda

Supervisor Gonzalez requested that this matter be severed so that it could be considered separately.

030934 **[Reconsideration of Board of Supervisors Raise]**
Supervisor Newsom

Resolution requesting that the Civil Service Commission reconsider its decision to give the Board of Supervisors a $74,735 raise.

Supervisor Gonzalez requested that this matter be referred to Committee.
REFERRED to the Rules Committee.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

031052 **[Declaring June 16, 2003 Anthony G. Wagner Day]**
Supervisors Hall, Dufty

Resolution honoring Anthony G. Wagner on the occasion of his retirement from the Department of Public Health and declaring June 16, 2003 Anthony G. Wagner Day

Resolution No. 395-03

ADOPTED by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

031056 **[Commend Jordy Jones]**
Supervisor Dufty

Resolution commending Jordy Jones.

Resolution No. 396-03

ADOPTED by the following vote:

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031059 **[Prohibiting the sale or storage of alcohol as an accessory use in dwellings in R or NC Districts]**
Supervisor Ma

Ordinance amending Planning Code section 204.1 to prohibit the sale or storage of alcohol requiring a California Department of Alcoholic Beverage Control liquor license as an accessory use in dwellings in R or NC Districts, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

6/10/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/10/2003.

031060 **[Accurately reflect Fire Department member work schedule]**
Supervisor Daly

Ordinance amending Article II, Chapter 16, sections 16.10, 16.11, 16.12, and 16.15 of the San Francisco Administrative Code to accurately reflect workdays for firefighters.

6/10/03, RECEIVED AND ASSIGNED to Budget Committee.

Resolutions

031050 [Purchase of Property located at 201 Leland Avenue, San Francisco for the Public Library]
Mayor, Supervisors Peskin, Sandoval, Newsom

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate for the City purchase of real property and improvements located at 201 Leland Avenue, San Francisco subject to a short term lease with the Seller, for use as the Visitacion Valley Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Mayor)

(Fiscal impact; Public Benefit Recipient.)
6/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031053 [Accept-Expend State Grant]
Mayor

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of $26,185 from the California Governor's Office on Service and Volunteerism for Citizens Corps activities and the Neighborhood Emergency Response Team Program.

(No fiscal impact; No Public Benefit Recipient.)

031054 [Accept and Expend State Grant]
Mayor, Supervisor Sandoval

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $704,000 for FY 2003-04 for various pedestrian and bicycle projects in the City and County of San Francisco. (Mayor)

(No fiscal impact; No Public Benefit Recipient.)
6/10/03, RECEIVED AND ASSIGNED to Land Use Committee.

031055 [Minimum WageTask Force]
Supervisors Dufty, Ma, Newsom

Resolution establishing an advisory task force to evaluate the impact and benefits of establishing a San Francisco minimum wage on San Francisco's economy, businesses, and residents and setting forth the membership and duties of the task force.
6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

031057 [Treasure Island Development Authority Interim Budget]
Mayor

Resolution approving an interim Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Mayor)

(Fiscal impact.)
6/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031058 **[Supplemental appropriation for the Day Labor Program 2003-2004]**
Supervisor Ammiano

Resolution requesting a supplemental appropriation in the amount of $75,000 for the 2002-2003 fiscal year and $90,000 for the 2003-2004 fiscal year to support the operation of the San Francisco Day Labor Program.
6/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031063 **[Implementation of Assembly Bill 1421]**
Supervisor Newsom

Resolution urging the Department of Public Health to implement the provisions of Assembly Bill 1421 to establish an Assisted Community Treatment Program (AOT) model in the City and County of San Francisco.
6/10/03, RECEIVED AND ASSIGNED to City Services Committee.

031066 **[SRO Hotel Safety and Stabilization Task Force]**
Supervisors Ammiano, Daly

Resolution expanding the Single Room Occupancy Hotel Safety and Stabilization Task Force increasing the current membership by two seats.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031067 **[Commend Norma Pascua Scott]**
Supervisor Daly

Resolution commending the extraordinary services and dedication of Mrs. Norma Pascua Scott to the San Francisco community.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031068 **[Commend Alex Mamak]**
Supervisors Dufty, Peskin, Newsom, Sandoval

Resolution commending Alex Mamak upon the occasion of his retirement.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031069 **[Commend A Better Chinatown Tomorrow]**
Supervisors Peskin, Dufty, Ma, Newsom

Resolution commending the efforts of A Better Chinatown Tomorrow in rejuvenating the economy of Chinatown.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031070 [Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium]
Supervisor Daly

Resolution authorizing the City Administrator to enter into a Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031071 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]
Supervisor Dufty

Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031072 [Designating Sail San Francisco as official tall ship and training ship]
Supervisors Peskin, Daly

Resolution designating Sail San Francisco as official tall ship and training ship hosting organization for the City and County of San Francisco and commending Sail San Francisco for its contributions to the small business and tourism revitalization of the waterfront.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031074 [Extension of Planning Commission Review Period]
Supervisor Maxwell

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1 9bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street) from M-1 (Light Industrial) to NC-3 (Moderate Scale Neighborhood Commercial District) and the 17th Street and Rhode Island Grocery Store Special Use Subdistrict and a companion ordinance to amend the Planning Code by adding Section 781.10 to create the 17th and Rhode Island Grocery Store Special Use Subdistrict.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031075 [Accept-Expend a Gift-in-Place]
Supervisor Newsom

Resolution authorizing the Recreation and Park Department to accept and expend a gift-in-place valued at $18,000.00 from Mr. Jeffery G. Edwards to the Recreation and Park Department for resurfacing the athletic courts at Julius Kahn Playground.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

(No fiscal impact.)
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031077 [Commend Leslie Caron]
Supervisor Newsom

Resolution commending Leslie Caron for her six decades of outstanding achievement in the theatre and feature films and proclaiming June 30th, 2003 as "Leslie Caron Day" in the City and County of San Francisco.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

030934 [Reconsideration of Board of Supervisors Raise]
Supervisor Newsom

Resolution requesting that the Civil Service Commission reconsider its decision to give the Board of Supervisors a $74,735 raise.
5/20/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

6/10/03, REFERRED to Rules Committee. Supervisor Gonzalez requested that this matter be referred to Committee.

Request for Hearings

031051 [Management Audit of the Controller's Office]
Supervisor Hall

Hearing for the Controller and Budget Analyst to conduct an entrance conference and any other introductory meetings to begin implementation of the previously approved management audit of the Controller's Office.
6/10/03, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests this item be scheduled for consideration at the June 16, June 18, and June 19, 2003 meetings.

031061 [Award process for Office on the Aging FY 2003-04 RFP]
Supervisor Sandoval

Hearing request for the Department of Aging and Adult Services to report on the application and the selection process for awards from the Office on the Aging's fiscal year 2003-04 Request for Proposals.
6/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031064 **[Planning Department Work Plan for FY 2003-04]**
Supervisor McGoldrick

Hearing to consider the priorities of the Department of City Planning in its Work Plan for fiscal year 2003-04.
6/10/03, RECEIVED AND ASSIGNED to Land Use Committee. Sponsor requests this item be scheduled for consideration at the July 14, 2003 meeting.

031065 **[Occupancy Restrictions upon Existing Clubs and Establishments]**
Supervisors Dufty, Ammiano

Hearing to consider the stringent occupancy restrictions placed upon several establishments, including the Pilsner, Lone Star and The Loading Dock. This hearing will allow the San Francisco Fire Department, Department of City Planning, and Department of Building Inspection to outline what caused these reductions in occupancy and possible solutions that protect public safety while maintaining the viability of these longtime establishments.
6/10/03, RECEIVED AND ASSIGNED to Land Use Committee.

Motions

031049 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031062 **[Services in-lieu of cash payment programs]**
Supervisors Newsom, Dufty

Motion directing the Budget Analyst of the Board of Supervisors to analyze how the other 57 counties in the State of California have implemented services in-lieu of cash payment programs.
6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

031073 **[Extending the San Francisco Zoo Audit Select Committee]**
Supervisor Ma

Motion extending the San Francisco Zoo Audit Select Committee.
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

030941 **[Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]**

Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,111.)
5/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

030948 **[Ordering vacation of portion of Berry Street at Sixth Street and approving a Property Exchange Agreement in Mission Bay North]**

Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,1 10; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,110.)
5/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

030955 **[Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of $2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)
6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

031013 **[Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for $2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of $1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.
6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

030884 **[Lease of Real Property]**

Resolution authorizing a lease renewal at 44 Gough Street for the Department of Human Resources. (Real Estate Department)

(Public Benefit Recipient.)
5/22/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030927 **[Accept-Expend State Grant]**
Supervisors Dufty, Newsom

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $15,000 from the State of California Controller's Office for funding technology-related acquisitions to enhance public safety. (Sheriff)

(No Public Benefit Recipient.)
5/27/03, RECEIVED AND ASSIGNED to City Services Committee.

030940 **[Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]**

Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2) within the Mission Bay North Redevelopment Project Area; setting the hearing date for all persons interested in the proposed vacation of the easement areas; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting DPW Order No. 174,111; and authorizing other official acts in connection with this Resolution. (Public Works Department)
5/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

030947 **[Mission Bay Street Vacation a portion of Berry Street at Sixth Street]**

Resolution declaring the intention of the Board of Supervisors to vacate a portion of Berry Street at Sixth Street within the Mission Bay North Redevelopment Project Area; setting the hearing date for all persons interested in the proposed vacation of said street area; and adopting findings that the proposed vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1 and the Mission Bay North Redevelopment Plan. (Public Works Department)

No Public Benefit Recipient; DPW Order No. 174,110.)
5/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

030952 **[STOP Intersections]**
Supervisor Sandoval

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Alemany Boulevard at Justin Drive, stopping Justin Drive at Alemany Boulevard, north intersection, making this T-intersection an all-way STOP; 15th and De Haro Streets, stopping De Haro Street, making this intersection an all-way STOP; and Eucalyptus Avenue, Junipero Serra Frontage Road and Ocean Avenue, stopping Junipero Serra Frontage Road at Ocean Avenue; and stopping Eucalyptus Avenue at Ocean Avenue, making this five-legged intersection a three-way STOP. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)
5/30/03, RECEIVED AND ASSIGNED to Land Use Committee.

030953 **[Traffic Regulations, Various Streets]**
Resolution enacting and rescinding traffic regulations on various streets.

DIAMOND (TRANSIT ONLY) LANE, AT ALL TIMES - ESTABLISH
4th Street, right lane, between Minna and Mission Streets; and
4th Street, second lane from right curb lane, between Howard and Minna Streets.

DIAMOND (TRANSIT ONLY) LANE, FROM 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
4th Street, right curb lane, between Clementina and Howard Streets.

STREET CLOSURE, EVERYDAY, FROM 10 AM TO 10 PM - EXTENSION OF HOURS
Claude Lane, between Bush and Sutter Streets. (This street is already closed everyday, from 10:00 AM to 3:00 PM and then again from 5:30 PM to 10:00 PM. This would simply extend the closure times to be continuous from 10:00 AM to 10:00 PM).

NO TURN ON RED - ESTABLISH
Drumm Street, southbound, at Market Street. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)
5/30/03, RECEIVED AND ASSIGNED to Land Use Committee.

030954 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Webster Street, west side, between Haight and Page Streets (200 block); and
Guerrero Street, east side, between 18th and 19th Streets (600 block).

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
25th Street, both sides, between Alabama and Florida Streets (3000 block).

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
20th Street, south side, between Missouri and Texas Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sanchez Street, both sides, between 27th and Cesar Chavez Streets (1300 block).

RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Broderick Street, east side, between Post and Sutter Streets (1500 block, even numbers only);
Note: No signs will be posted on this block.
Broderick Street, east side, between Garden and Post Streets (1400 block;
Broderick Street, west side, between Geary Boulevard and Post Street (1400 block); and
2300 block of Post Street, both sides, between Broderick and Divisadero Streets (includes odd addresses 2325 to 2399 and even addresses 2352 to 2398 only);

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
26th Street, north side, from 40 feet to 245 feet west of Wisconsin Street.

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Treat Avenue, both sides, between 24th and 25th Streets (1100 block).
TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
4th Street, west side, between Clementina and Howard Streets.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Ocean Avenue, south side, from Harold Avenue to 95 feet westerly.
UNMETERED MOTORCYCLE PARKING - ESTABLISH
210-212 Noe Street, west side, 47 feet south of 15th Street (two spaces).

TOW-AWAY, NO PARKING, 6 PM TO 6 AM EVERY NIGHT, EXCEPT MUNI BUSES - ESTABLISH
Treat Avenue, west side, from 15th Street to 80 feet southerly; and
Treat Avenue, east side, from 15th Street to Harrison Street.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, south side, between Funston Avenue and Park Presidio Boulevard.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, north side, between Funston Avenue and Park Presidio Boulevard.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Anza Street north side, between 14th and Funston Avenues; and
Anza Street, south side, between 14th Avenue and Park Presidio Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
17th Street, south side, from Valencia Street to 86 feet westerly; and
Valencia Street, west side, from 73 feet to 196 feet south of 17th Street.
RESIDENTIAL PERMIT PARKING AREA "B" - RESCIND
RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) – ESTABLISH
Belle Avenue, both sides, between Junipero Serra Boulevard and St. Charles Avenue;
Chester Avenue, both sides, between Belle Avenue and Payson Street;
Palmetto Avenue, both sides, between Junipero Serra and Alemany Boulevards;
Payson Street, both sides, between Chester and St. Charles Avenues;
St. Charles Avenue, both sides, between Payson Street and south terminus;
Kempton Avenue, both sides, between Alemany Boulevard and Brotherhood Way;
Alemany Boulevard, north side, between St. Charles Avenue and Arch Street;
Alemany Boulevard, south side, between Worcester Avenue and Ramsell Street;
Alemany Boulevard, south side, between Junipero Serra Boulevard and St. Charles Avenue;
Ramsell Street, both sides, between Alemany Boulevard and Palmetto Avenue;
Palmetto Avenue, north side, between Ramsell and Victoria Streets;
Niantic Avenue, west side, between Panama Street and St. Charles Avenue; and
Panama Street, both sides, between Niantic Avenue and the western terminus.
(Note: No signs will be installed on Panama Street)
RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM- 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Alemany Boulevard, north side, between Arch Street and Brotherhood Way;
Alemany Boulevard, south side, between St. Charles and Worcester Avenues; and
Arch Street, both sides, between Alemany Boulevard and Brotherhood Way.
RESIDENTIAL PERMIT PARKING AREAS "B" AND "CC" (2-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Palmetto Avenue, south side, between Head and Ramsell Streets.
RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM – 5 PM, MONDAY THROUGH FRIDAY) – ESTABLISH
Alemany Boulevard, south side, between Head and Ramsell Streets;
Palmetto Avenue, north side, between Victoria and Head Streets; and
Victoria Street, both sides, between Alemany Boulevard and Palmetto Avenue. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)
5/30/03, RECEIVED AND ASSIGNED to Land Use Committee.

031015 **[Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium]**

Resolution authorizing the City Administrator to enter into a Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium. (Administrative Services Department)

(Fiscal impact; Public Benefit Recipient.)
6/2/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To draft ordinance amending the 2003-2004 Annual Salary Ordinance to entitle City officers or employees called to active duty by the military reserve organization to receive from the City the difference between the amount of the individuals military pay and the amount of the individual would have received as a City officer or employee had the individual worked his or her normal work schedule.

From: Supervisor Sandoval
To: Department of Aging and Adult Services
Requesting/Inquiring: To report on the application and the selection process for awards from the Office on Aging's FY 2003-04-Request For Proposals.

Also requesting the Clerk of the Board to send a copy of this letter as well as the response to:

Nyree Monroe
Southwest Community Corporation
Pilgrim Community Center
446 Randolph Street
San Francisco, CA 94132

In Memoriams

Edward "Jack" McCarthy (Supervisor Dufty)
Leo J. "Lee" Clardy (Supervisor Dufty)
Barbara Ely (Supervisor Newsom)
Paul Anthony Farrah (Supervisor Newsom)
William West Hauser (Supervisor Newsom)
Jo Carol Davidson (Supervisors Sandoval, Ammiano, Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 11:29 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 22, 2003

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, June 17, 2003 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 22

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, the following Supervisor was noted absent.

Supervisor McGoldrick - 1

Quorum present.

Supervisor McGoldrick excused from attending today 's meeting. (See Infra)

Supervisor McGoldrick Excused from Attendance

Supervisor Ma, seconded by Supervisor Maxwell, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendations of the Land Use Committee

030800 **[STOP Intersection]**
Supervisor Newsom

Resolution designating Buchanan and Northpoint intersection as an all "STOP" intersection.

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Resolution No. 405-03
ADOPTED

030776 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Mangels Avenue at Gennessee Street, stopping Mangels Avenue at Gennessee Street, making this intersection an all-way STOP;
20th and Arkansas Streets, stopping 20th Street at Arkansas Street, making this intersection an all-way STOP;
26th and Tennessee Streets, stopping Tennessee at 26th Street, making this intersection a two-way STOP; and
12th Street at South Van Ness Avenue, stopping southbound 12th Street at South Van Ness Avenue. (Parking and Traffic Department)

(5/2/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2624; No Public Benefit Recipient.)

Resolution No. 401-03
ADOPTED

030777 **[Traffic Regulations, Various Streets]**
Supervisors Gonzalez, McGoldrick, Maxwell, Ammiano

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES (SIX MONTH TRIAL) - ESTABLISH
Fell Street, from Baker Street to Scott Street.

STREET CLOSURE (6:00 PM TO MIDNIGHT, MONDAY THROUGH FRIDAY AND 11:00 AM TO MIDNIGHT, SATURDAY AND SUNDAY) - ESTABLISH
De Boom Street, north side, from 2nd Street to 75 feet easterly (seven-foot closure for tables and chairs, retains 14-foot access lane).

(5/2/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2624; No Public Benefit Recipient.)

Resolution No. 402-03
ADOPTED

030778 **[Parking Regulations, Various Locations]**
Supervisor Newsom

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 6:00 PM (SIX-MONTH TRIAL) - RESCIND
Fell Street, south side, from Baker Street to Scott Street (Fell Street bike lanes).

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 7:00 PM (SIX-MONTH TRIAL) - ESTABLISH
Fell Street, south side, from Divisadero Street to 182 feet easterly (Fell Street bike lanes).

TOW-AWAY, LANE MUST TURN LEFT (SIX-MONTH TRIAL) - ESTABLISH
Fell Street, at Scott Street (Fell Street bike lanes). (Parking and Traffic Department)

(5/2/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2624; No Public Benefit Recipient.)

Resolution No. 403-03
ADOPTED

Recommendations of the Rules Committee

030691 **[Settlement of Legal Proceeding]**
Ordinance approving the settlement of a claim flied by the City and County San Francisco in the bankruptcy entitled In re Metricom, Inc., United States District Court, Northern District of California, Case No. 01-53291-ASW. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 147-03
FINALLY PASSED

030773 **[Settlement of Lawsuit - Loretta A. Bowie]**
Ordinance authorizing settlement of the matter of Loretta A. Bowie v. City and County of San Francisco and Louise Statzer for $92,500. The lawsuit was filed on April 17, 2002, in San Francisco Superior Court, Case No. 406-801, and was removed to United States District Court on June 26, 2002, Case No. C 02-3082 SI; entitled Loretta A. Bowie v. City and County of San Francisco and Louise Statzer. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 148-03
FINALLY PASSED

030774 **[Settlement of Lawsuit - Derrell Neal]**

Ordinance authorizing settlement of the lawsuit filed by Derrell Neal against the City and County of San Francisco for $40,000; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 401-659; entitled Derrell Neal, et al., v. City and County of San Francisco, et al.

(Public Benefit Recipient.)

Ordinance No. 149-03
FINALLY PASSED

030775 **[Settlement of Lawsuit - YONG SHAO MA and PUI KAY CHAN]**

Ordinance authorizing settlement of the lawsuit filed by YONG SHAO MA and PUI KAY CHAN against the City and County of San Francisco for $750,000; the lawsuit was filed on October 26, 1998 in San Francisco Superior Court, Case No. 998-809; entitled Yong Shao Ma, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 150-03
FINALLY PASSED

030905 **[Settlement of Lawsuit - JMB Construction, Inc.]**
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for $200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action.

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031012 **[Appointment]**

Resolution appointing Tsuyako Kitashima, term ending March 31, 2005 to the Commission on Aging Advisory Committee.

Tsuyako Kitashima, succeeding herself, term expired, seat 8, must be a nominee of District 1 Supervisor for a two year term ending March 31, 2005.

Resolution No. 409-03
ADOPTED

031020 [Appointment]

Resolution appointing Janice Voorsluys and Dale Butler, terms ending November 19, 2004 to the Bicycle Advisory Committee.

Janice Voorsluys, new appointment, seat 4, must be a nominee of District 4 Supervisor for a two year term ending November 19, 2004.
Dale Butler, new appointment, seat 6, must be a nominee of District 6 Supervisor for a two year term ending November 19, 2004.

Resolution No. 410-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget Committee

030830 [Public Works Code Permit Fees and Assessment]
Mayor

Ordinance adding Article 2.1 of the Public Works Code to add sections 2.1.1, 2.1.2, 2.1.3, and 2.1.4 concerning permit fees and occupancy assessments, specifying procedures to establish such permit fees and assessments, amending section 2.4.45 to modify the procedures for fee review and adjustments, and making environmental findings. (Mayor)

Ordinance No. 151-03
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Peskin, seconded by Supervisor Ma, moved to rescind the previous vote.
Motion carried without objection.

Ordinance No. 151-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Newsom, Sandoval
Noes: 2 - Gonzalez, Peskin
Excused: 1 - McGoldrick

Recommendations of the Finance and Audits Committee

030577 **[Parental Leave]**
Supervisor Daly

Ordinance approving rules for administration, interpretation and regulation of Parental Leave as submitted by the Department of Human Resources.

(Fiscal impact.)

Ordinance No. 143-03
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030609 **[Appropriate funding from the sale of certificates of participation for the Juvenile Hall Reconstruction Project]**
Mayor, Supervisor Hall

Ordinance appropriating $42,052,080 from the sale of certificates of participation by the Mayor's Office of Criminal Justice to fund the Juvenile Hall Reconstruction Project for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Ordinance No. 138-03
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030631 **[Competitive Bid and Prevailing Wage Exemption for Job Training Program - San Francisco Conservation Corps]**
Supervisors Maxwell, Newsom, Peskin

Ordinance exempting the San Francisco Conservation Corps from the prevailing wage requirements and waiving the competitive bid requirements for the Recreation and Park Commission's award of a contract for construction of playgrounds, restoration of natural areas and implementation of erosion control measures in San Francisco parks.

Ordinance No. 144-03
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030683 **[Funding for the over-expenditures in the Conflicts Panel (Indigent Defense) Program]**
Mayor

Ordinance appropriating $150,000 in the Child Support Services Fund to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of $150,000 carried forward from FY 2001-02 and $700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Ordinance No. 146-03
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

031091 **[Funding for the over expenditures in the Conflict Panel (Indigent Defense) Program]**

Ordinance appropriating $1,050,000 from the General Fund Reserve to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of $350,000 carried forward from FY 2001-02 and $700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 152-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030742 **[Appropriation, $1,600,000 - Department of Elections]**

Supervisors Gonzalez, Daly

Ordinance appropriating funding not to exceed $1,600,000 from the General Fund Reserve for professional services to implement a ranked-choice voting system for the Department of Elections for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 168-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030845 **[Appropriation - $526,000, Department of Elections]**

Supervisor Daly

Ordinance appropriating $526,000 from the General Fund Reserve to implement the ranked-choice voting public education plan for the Department of Elections for fiscal year 2002-03, placing $250,000 on reserve by the Finance Committee.

Ordinance No. 169-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030780 **[Lease of Real Property]**

Resolution authorizing a Sublease renewal of approximately 117,826 square feet of space at 1235 Mission Street for the Department of Human Services. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 404-03

ADOPTED by the following vote:

Ayes: 6 - Dufty, Gonzalez, Hall, Newsom, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, Ma, Maxwell
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

030328 **[Settlement of Unlitigated Claim]**
Supervisors Hall, Ma

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

Ordinance No. 142-03

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - McGoldrick

030034 [Campaign Finance Reform Amendments of 2003]
Supervisor Gonzalez

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarifiy that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to $5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-ration is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to $5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections shall decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

Ordinance No. 141-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030660 **[Settlement of Lawsuit - Carmi L. Johnson]**

Ordinance authorizing settlement of the lawsuit filed by Carmi L. Johnson against the City and County of San Francisco for $85,000; the lawsuit was filed on March 2, 2001 in United States District Court, Northern District, Case No. C01-0904 SBA; entitled Carmi L. Johnson v. City and County of San Francisco, Roland Chen, Therese Madden; other material terms of said settlement are: 1. PUC to redistribute policies regarding prevention of harassment and retaliation; 2. City to provide contact individual at City Department of Human Resources for future EEO issues. (City Attorney)

(Public Benefit Recipient.)
(Supervisor Hall dissenting in committee.)

Ordinance No. 145-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030426 **[Charter Amendment - Creating a Small Business Commission]**

Supervisors Daly, Peskin, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick

Charter amendment (Second Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

030740 **[Amending Rule 4.29 at Board of Supervisors meetings]**

Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries shall occur at 2pm, and the recognition of commendations shall occur at 3pm.

Amendment of the Whole bearing new title.

President Gonzalez, seconded by Supervisor Dufty, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

Continued to July 15, 2003

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget Committee

030622 **[Approving Discovery Fees]**
Mayor, Supervisor Daly

Ordinance making environmental findings and approving a fee schedule for discovery costs charged by the San Francisco District Attorney's office. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Excused: 1 - McGoldrick

030966 **[MOU - Teamsters, Local 853]**
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030967 **[MOU - Automotive Mechanics Union Lodge No. 1414]**
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Mechanics Union Lodge No. 1414, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030968 [MOU - Deputy Probation Officers' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030969 [MOU - District Attorney Investigators' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030972 [MOU - San Francisco Institutional Police Officers' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030974 [MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030975 [MOU - San Francisco Interns and Residents Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030976 [MOU - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030977 [MOU - Staff and Per Diem Nurses, SEIU Local 790]
Mayor, Supervisor Daly

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Staff and Per Diem Nurses, SEIU Local 790, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030978 [MOU - Teamsters, Local 856 (Supervising Nurses)]
Mayor, Supervisors Daly, Newsom

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Supervising Nurses), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030979 [MOU - Laborers International Union, Local 261]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

Recommendations of the Land Use Committee

021726 [Regulation of mobile storage containers on the public right-of-way]
Supervisors Sandoval, Maxwell, Gonzalez

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030422 [Environment Code and Precautionary Principle Policy]
Mayor, Supervisors McGoldrick, Gonzalez, Maxwell, Daly

Ordinance enacting a new Environment Code by repealing Chapters 12I (Tropical Hardwood and Virgin Redwood Ban); 12S (Ban on Purchase of Motor Vehicle Fuel Containing MTBE); 12T (Transportation of Aggregate Materials); 21A (Resource Conservation); 21F (Environmentally Preferable Purchasing); 21G (Arsenic-Treated Wood); 39 (Integrated Pest Management Ordinance); 82 (Resource Efficiency Requirements; 85 (Healthy Air and Smog Prevention); and 5 (Article XXIII) (Urban Forestry Council) of the San Francisco Administrative Code and by re-adopting these provisions with minor changes, including dissolving the inactive Clean Air Advisory Committee, and adding a Precautionary Principal Policy Statement as Chapter 1 of the Environment Code; and requesting the Planning Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 2 - Hall, Newsom
Excused: 1 - McGoldrick

030779 **[Speed Limit - Fulton Street between Masonic Avenue and Stanyan Street]**
Supervisor Gonzalez

Ordinance adding Section 174.05 and amending Section 175.22 of the San Francisco Traffic Code to reduce the speed limit from 30-MPH to 25-MPH on Fulton Street between Masonic Avenue and Stanyan Street. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030862 **[Restricted Traffic Streets]**
Supervisor Hall

Ordinance adding Traffic Code Sections 28.1.107, 28.1.108, and 28.1.109 to restrict any person from operating a vehicle with gross weight in excess of 6,000 pounds on Claremont Boulevard between Portola Drive and Taraval Street, Dewey Boulevard between Laguna Honda Boulevard and Taraval Street, and Taraval Street between 14th Avenue and Dewey Boulevard.

(5/16/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030828 **[Housing Element of General Plan]**
Supervisors McGoldrick, Daly

Resolution requesting that the Planning Department give the highest priority to completion of environmental review for the revision of the Housing Element of the City's General Plan.

Resolution No. 422-03
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

030923 **[Appointment - Municipal Transportation Agency]**
Mayor, Supervisor Hall

Resolution confirming the appointment of Michael G. Kasolas to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007. (Mayor)

Resolution No. 406-03
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Dufty Excused from Voting

Supervisor Daly, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, from voting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 2 - Dufty, McGoldrick

031011 **[Appointment]**

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Mental Health Board.

Bevan Dufty, succeeding Aaron Peskin, term expired, seat 17, must be a member of the Board of Supervisors for a two year term ending January 31, 2005.

Resolution No. 408-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 2 - Dufty, McGoldrick

SPECIAL ORDER 3:00 P.M.

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair.
The President resumed the Chair shortly thereafter.

030704 **[Public Hearing - Appeal, Conditional Use, 1017 Ocean Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16558 dated March 27, 2003 approving a conditional use authorization, Case No. 2002.1231C, to install a total of three (3) panel antennas and related equipment at an existing three-story, multi-use structure (Commercial/Residential) as part of Verizon's wireless telecommunications network within a NC-2 (Small Scale Neighborhood Commercial) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues; Lot 041, in Assessor's Block 6945.

(Appeal filed April 24, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 030705, 030706, 030707; District 11.)

Ms. Lam, Appellant

Helen Dosovick, support of appellant
Susanne, support of appellant
May Fanny Lee, support of appellant
Doug Laringer, support of appellant
Male Speaker, support of appellant
Ben Price, support of appellant
Male speaker, support of appellant
Tracey Hughs, support of appellant
Shane Roud, support of appellant
Male Speaker, support of appellant
Mark Longran, support of appellant
Lloyd Vaughn; OMI , support of appellant
Shirley, support of appellant
Female Speaker, support of appellant
Rebecca Silverberg, support of appellant
Sharon Ebherhardt, support of appellant
Steve Currier; Outer Mission, support of appellant

Gerald Green, Director of Planning Department reviewed with the Board the Planning Commission's recommendation.

Board Members reviewed and discussed issues with the Department of Planning representatives.

Mr. Jason Smith, Cal Com on behalf of Verizon Wireless, Project Sponsor
Kenny Silverman, Verizon Wireless, Project Sponsor
Robert Weller, Professional Engineer

Craig Frost, support of project sponsor
Christopher Melody, support of project sponsor
Adam Smith, support of project sponsor
Tom McDonagh, support of project sponsor
Mike Bagatelos, support of project sponsor
Peter Bagatelos, support of project sponsor
Paul Albright, support of project sponsor

A rebuttal period was allowed.
Ms. Lam Appellant

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030705 [Appeal, Conditional Use - 1017 Ocean Avenue]

Motion approving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Hall, seconded by Supervisor Newsom, moved to continue this matter to June 24, 2003.

Motion failed by the following vote:
Ayes: 5 - Ammiano, Dufty, Hall, Newsom, Peskin
Noes: 5 - Daly, Gonzalez, Ma, Maxwell, Sandoval
Excused: 1 - McGoldrick

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 2 - Dufty, Hall
Excused: 1 - McGoldrick

030706 [Appeal, Conditional Use - 1017 Ocean Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-97

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 2 - Dufty, Hall
Excused: 1 - McGoldrick

030707 [Findings - 1017 Ocean Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-98

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.

030886 **[Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

Continued to June 24, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030887 **[Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030888 **[Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030889 **[Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.

030896 **[Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]**

Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3).

(Appeal filed May 14, 2003 by Preseve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coaltion for SF Neighborhoods; Planning Case No. 2002.0418E.)

Supervisor Hall, seconded by Supervisor Dufty, moved to continue this item to July 8, 2003.

Supervisor Newsom, seconded by Supervisor Dufty, moved to rescind the previous vote.

Motion carried without objection.
Supervisor Newsom, seconded by Supervisor Dufty, moved to continue to July 15, 2003.
Continued to July 15, 2003

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030897 [Affirming the exemption/exclusion issued for Secondary Unit Ordinance]

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 15, 2003

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030898 [Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]

Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review. (Clerk of the Board)

Continued to July 15, 2003

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030899 [Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act. (Clerk of the Board)

Continued to July 15, 2003

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

From the Budget Committee

030784 [Interim Government Funding, Fiscal Year 2003-04]
Mayor

Interim Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030785 [Interim Public Employment, Fiscal Year 2003-04]
Supervisor Daly

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030735 [Appropriation, $714,075 - Environmental evaluation of various city projects]
Supervisors Dufty, Daly

Ordinance appropriating $714,075 of surplus City Planning Commission Fees for professional services for preparation of Environmental Impact Reports (EIRs) related to community planning for San Francisco's eastern neighborhoods (Mission, South of Market, Showplace Square/Potrero Hill, Visitation Valley and Bayview/Hunter's Point) and salary and fringe benefits for existing unfunded positions involved in Contract supervision of the EIRs and to address backlogs in environmental evaluation of various city projects for fiscal year 2002-03, placing a reserve of $527,003. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030914 [Re-appropriate existing funding for the over-expenditures in personnel costs, non-personal services, and workers compensation for DPH]
Mayor, Supervisor Daly

Ordinance re-appropriating $9,342,000 of existing departmental revenues to cover over- expenditures in personnel costs, non-personal services, and workers compensation for the San Francisco General and Laguna Honda Hospitals for the Department of Public Health for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Newsom Excused from Voting

Supervisor Peskin, seconded by Supervisor Dufty, moved to excuse Supervisor Newsom, at his request, from voting on this matter. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Excused: 2 - McGoldrick, Newsom

030973 [MOU - Municipal Attorneys' Association]
Mayor, Supervisor Gonzalez

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, Sandoval
Noes: 3 - Daly, Hall, Peskin
Excused: 2 - McGoldrick, Newsom

Supervisor Ammiano noted absent at 5:58 p.m.

030984 [Redevelopment Agency Budget, Fiscal Year 2003-2004]
Mayor, Supervisor Daly

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004. (Mayor)

Resolution No. 407-03

ADOPTED by the following vote:
Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

030736 [Appropriation, $3,974,184 - Police Department]

Ordinance appropriating a total of $4,725,783 from the General Reserve, consisting of $4,230,573 for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services, and $495,210 for the Sheriffs Department for overtime, fringe benefits, and food associated with the provision of mutual aid to the Police Department during the anti-war demonstrations, for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

031032 [Treasure Island Development Authority Interim Budget, Fiscal Year 2003-2004]
Mayor, Supervisor Daly

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Mayor)

Resolution No. 397-03

ADOPTED by the following vote:
Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

From Budget Committee With Recommendation "Do Not Pass"

030868 [Elimination of Paid Ballot Arguments]
Mayor

Ordinance amending the Municipal Elections Code to amend Sections 500, 530, 535 and 585 and deleting Sections 555, 560, 565, 570 and 830 to eliminate paid ballot arguments from the Voter Information Pamphlet. (Mayor)

NOT PASSED ON FIRST READING by the following vote:

Ayes: 2 - Hall, Newsom
Noes: 7 - Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Supervisor Newsom noted absent at 6:21 p.m.

Abdullah Megaheed, homeless issues
Richard Robinson; general issues
Vernon Jenkins, general issues
Laboria C. More, Police issues
John, homeless poem
Female speaker, amend HJ Resolution 20
Rodney, general issues, smoking issues
Sylvia Johnson, homeless issues
Female speaker, Patriot Act federal amendments

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Items 69 through 82

031066 [SRO Hotel Safety and Stabilization Task Force]
Supervisors Ammiano, Daly

Resolution expanding the Single Room Occupancy Hotel Safety and Stabilization Task Force increasing the current membership by two seats.

Resolution No. 411-03
ADOPTED

031067 **[Commend Norma Pascua Scott]**
Supervisor Daly

Resolution commending the extraordinary services and dedication of Mrs. Norma Pascua Scott to the San Francisco community.

Resolution No. 412-03
ADOPTED

031068 **[Commend Alex Mamak]**
Supervisors Dufty, Peskin, Newsom, Sandoval

Resolution commending Alex Mamak upon the occasion of his retirement.

Resolution No. 413-03
ADOPTED

031069 **[Commend A Better Chinatown Tomorrow]**
Supervisors Peskin, Dufty, Ma, Newsom

Resolution commending the efforts of A Better Chinatown Tomorrow in rejuvenating the economy of Chinatown.

Resolution No. 414-03
ADOPTED

031070 **[Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium]**
Supervisor Daly

Resolution authorizing the City Administrator to enter into a Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium.

Resolution No. 398-03
ADOPTED

031071 **[Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]**
Supervisor Dufty

Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority.

Resolution No. 415-03
ADOPTED

031072 **[Designating Sail San Francisco as official tall ship and training ship]**
Supervisors Peskin, Daly

Resolution designating Sail San Francisco as official tall ship and training ship hosting organization for the City and County of San Francisco and commending Sail San Francisco for its contributions to the small business and tourism revitalization of the waterfront.

Resolution No. 416-03
ADOPTED

031075 [Accept-Expend a Gift-in-Place]
Supervisor Newsom

Resolution authorizing the Recreation and Park Department to accept and expend a gift-in-place valued at $18,000.00 from Mr. Jeffery G. Edwards to the Recreation and Park Department for resurfacing the athletic courts at Julius Kahn Playground.

Resolution No. 418-03
ADOPTED

031077 [Commend Leslie Caron]
Supervisor Newsom

Resolution commending Leslie Caron for her six decades of outstanding achievement in the theatre and feature films and proclaiming June 30th, 2003 as "Leslie Caron Day" in the City and County of San Francisco.

Resolution No. 419-03
ADOPTED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031048 [Final Map for a 7 Unit Commercial/Residential Condominium Project]
Motion approving Final Map of 430 - 438 Judah Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 21 in Assessor's Block No. 1764, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,155; District 5.)

Motion No. M03-99
APPROVED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031049 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-100
APPROVED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031073 [Extending the San Francisco Zoo Audit Select Committee]
Supervisor Ma

Motion extending the San Francisco Zoo Audit Select Committee.

Motion No. M03-101

APPROVED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

The foregoing items were acted upon by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

Severed From the Without Reference to Committee

Supervisor Maxwell requested that this matter be severed so that it could be considered separately.

031074 [Extension of Planning Commission Review Period]
Supervisor Maxwell

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1 9bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street) from M-1 (Light Industrial) to NC-3 (Moderate Scale Neighborhood Commercial District) and the 17th Street and Rhode Island Grocery Store Special Use Subdistrict and a companion ordinance to amend the Planning Code by adding Section 781.10 to create the 17th and Rhode Island Grocery Store Special Use Subdistrict.

Amended to extend for a 90 day period

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

Resolution No. 417-03

ADOPTED AS AMENDED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

(No fiscal impact.)

REFERRED to the City Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Daly, moved. The motion carried by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Daly, moved. The motion carried by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031096 [Commending Congregation Sha'ar Zahav]
Supervisors Sandoval, Peskin, Dufty, Ma

Resolution commending Congregation Sha'ar Zahav on 25 years of outstanding service to the Jewish community and the residents of San Francisco.

Resolution No. 420-03

ADOPTED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

031097 **[Commending the Youth Community Health Organizing Project and residents of Maria Alicia Apartments]**
Supervisor Daly

Resolution commending the Youth Community Health Organizing Project and residents of Maria Alicia Apartments for adopting the first voluntary community agreements in San Francisco to curb smoking in the building's units and common areas.

Resolution No. 421-03

ADOPTED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

030747 **[Fee Schedule Amendments - Planning Department]**
Ordinance amending the San Francisco Administrative Code by amending Chapter 31, Article IV to increase fees for services, and making environmental findings. (Planning Department)

(6/17/02 in Board: The Mayor submitted a substitute ordinance bearing new title. No Public Benefit Recipient. No fiscal impact.)

4/28/03, RECEIVED AND ASSIGNED to Budget Committee.

6/17/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

6/17/03, ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the June 26, 2003 meeting.

030748 **[Fee Schedule Amendments - Planning Department]**
Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees for services, and making environmental findings. (Planning Department)

(6/17/03 in Board: The Mayor submitted a substitute ordinance bearing new title. No Public Benefit Recipient. No fiscal impact.)

4/28/03, RECEIVED AND ASSIGNED to Budget Committee.

6/17/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

6/17/03, ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the June 26, 2003 meeting.

031100 [Planning Code Amendment--Mining Exchange Building Setback]
Mayor, Supervisor Hall

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)
6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

031102 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.

(Fiscal impact.)
6/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031115 [PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.
6/17/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031104 [Calculation of fees for paid ballot arguments]
Supervisor Peskin

Ordinance amending the Municipal Elections Code to amend Section 830 to require that the Controller set the fees for publication of ballot arguments in the Voter Information Pamphlet, and establish criteria for setting this fee so that the fee approximates but does not exceed the actual cost of publication.

(No fiscal impact.)
6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

031105 [Amending Police Code Sections 4302 and 4303 to Define Harassment]
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Dufty, Gonzalez, Hall, Newsom

Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.

(No fiscal impact.)
6/17/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 7/17/2003.

Resolutions

031053 [Accept-Expend State Grant]
Mayor, Supervisor Newsom

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of $26,185 from the California Governor's Office on Service and Volunteerism for Citizens Corps activities and the Neighborhood Emergency Response Team Program.

(No fiscal impact; No Public Benefit Recipient.)
6/17/03, RECEIVED AND ASSIGNED to City Services Committee.

031098 [Expansion of Saint Mary's Square Park]
Mayor, Supervisor Peskin

Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the city, which parcel shall be improved and maintained as a public park at no cost to the city, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein (iii) providing that, following the execution of the documentation and the conveyance, the property shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department and (iv) authorizing the Mayor's Office of Affordable Housing to accept and expend a voluntary contribution $1,000,000 for the acquisition or construction of permanent affordable single room occupancy housing in San Francisco.

(No fiscal impact.)
6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

031099 [CEQA Findings - Office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park]
Mayor, Supervisor Hall

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

(No fiscal impact.)
6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

031103 [Parks and Recreation Department assessment of staff and monetary resources needed to maintain city parks]
Supervisors Gonzalez, Sandoval

Resolution urging the Parks and Recreation Commission and the Parks and Recreation Department to immediately undertake an assessment of staff and monetary resources needed to reinvigorate and maintain the city's parks at a level that promotes use and pride in all neighborhoods of the city.
6/18/03, RECEIVED AND ASSIGNED to City Services Committee.

031106 [Commend Frances Park-Li Rothman]
Supervisors Dufty, Hall, Ma, Newsom, Ammiano, Maxwell, Peskin, Daly, Gonzalez, Sandoval, McGoldrick

Resolution commending the civic career of Frances Park-Li Rothman.

(No fiscal impact.)
6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031108 [Commend Pop Zhao]
Supervisors Maxwell, Dufty, Peskin, Ma

Resolution commending Pop Zhao for his work, Celebrate: Life, Liberty & Beauty and acknowledging his efforts to create a memorial artwork dedicated to September 11 victims in New York City.

(No fiscal impact.)
6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031109 [Tobacco Tax Revenue]
Supervisors Maxwell, Daly

Resolution to support earmarking Tobacco Tax Revenues for Tobacco Prevention and Cessation.

(No fiscal impact.)
6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031110 [Commend SF Juneteenth Organizing Committee]
Supervisors Newsom, Dufty

Resolution commending the San Francisco Juneteenth Organizing Committee for another successful Juneteenth Festival and Parade honoring the independence of African American slaves in Texas and the African American community in the City and County of San Francisco.

(No fiscal impact.)
6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031112 [Commend Chinese Chamber of Commerce]
Supervisors Peskin, Dufty, Ma

Resolution commending the work of the Chinese Chamber of Commerce revitalizing the economy of Chinatown.

(No fiscal impact.)
6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

(No fiscal impact.)
6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
6/17/03, REFERRED to City Services Committee.

Requests For Hearings

031107 [Input on the City's Budget for fiscal year 2003-2004.]
Supervisor Daly

Hearing to consider the public's input on the San Francisco City and County Budget for fiscal year 2003-2004.

(No fiscal impact.)
6/17/03, RECEIVED AND ASSIGNED to Budget Committee.

Motions

031101 [Adding Rule 1.10 to the Rules of Order]
Supervisor Gonzalez

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter.
6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

031114 [Amending Rule 4.29 of the Rules of Order]
Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

(No fiscal impact.)
6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

031111 [Reauthorizing the Sales and Use Tax for Transportation]
Supervisors Daly, Gonzalez, Ammiano, Peskin, Dufty, Maxwell, Ma

Motion approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, 1415, and 1418 of Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed $1,880,000,000 and which is payable from the revenue generated hereunder; and (5) approve the California Constitution Article XIII B Appropriations Limit of $485,175,000.

PROPOSED ORDINANCES

030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of $2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)
6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]
Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for $2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of $1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.
6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]
Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)
6/9/03, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

031016 [Study of HIV prevention in beerhalls in Harare, Zimbabwe]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to enter retroactively into the second year of an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and to accept and expend funds in the amount of $39,774 to participate in a randomized trial of HIV prevention in beerhalls in Harare, Zimbabwe, for the period of May 1, 2003, to April 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)
6/5/03, RECEIVED AND ASSIGNED to City Services Committee.

031017 [Lease of Real Property]
Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years. (Real Estate Department)

(No fiscal impact; Public Benefit Recipient.)
6/6/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031018 [Lease of Real Property]
Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)
6/6/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031085 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]
Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority. (Public Utilities Commission)

(No fiscal impact.)
6/9/03, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Daly
To: Clerk of the Board
City Attorney
District Attorney
Requesting/Inquiring:

To the Clerk of the Board:
To please advise on the appeal filed on June 16 regarding 17 Brosnan/270-280 Valencia Street, specifically whether the signatures on the appeal constitute the sufficient number as provided in the San Francisco Planning Code. Also, requesting analysis of signature on appellant form signed by Supervisor Newsom or designee compared to a legal copy of his signature.

To the City Attorney:
To please advise on the appeal filed on June 16 regarding 17 Brosnan/270-280 Valencia Street, specifically as to whether the signatures on the appeal constitute the sufficient number as provided in the Planning Code. Also, requesting analysis of signature on appellant form signed by Supervisor Newsom or designee compared to a legal copy of his signature.

To the City Attorney and District Attorney:
To please advise what penalties are appropriate for an illegal signature on an appeal form.

From: Supervisor Sandoval
To: MUNI
Requesting/Inquiring: Requesting an assessment of noise pollution from the "M" street car on Broad Street, an outreach plan to survey constituents on Broad Street regarding the noise from the street car, and a plan to address the noise pollution on the Broad Street from the "M" street car.

Also, requesting the Clerk of the Board to send a copy of the letter and MUNI's response to our office as well as:

cc: Edith C. Waters
45 Broad Street
San Francisco, CA 94112

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To research the feasibility of and requirements necessary for legislation requiring that 1% of every bond that is issued for capital improvement projects be set aside for renewable engery and energy efficiency projects in City facilities.

From: Supervisor Hall
To: Presiding Judge of the Superior Court
District Attorney
Requesting/Inquiring: To explain why the District Attorney and/or the Superior Court have been unable to levy any fines against those cited during the March 4 war protests?
Also, please provide recommendations for future protests and future citations that will ensure that fines can be collected.

From: Supervisor Dufty
To: Port of San Francisco
Requesting/Inquiring: To report on whether the Port of San Francisco can consider establishing dedicated space for the purposes of float building and storage. Throughout the year, San Francisco's Ethnic, Cultural and Community Parades require the construction of floats. It has been suggested that dedicating space will allow greater continuity and convenience in the storage and construction of floats for Parades year-round.

In Memoriams

Jerry Kenneth Prewitt (Supervisor Dufty)
David M. Aldape (Supervisor Newsom)
Howard Gee (Supervisor Ma)
Claire McGhee (Supervisors Peskin, Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 6:45 p.m. p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 29, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, June 24, 2003 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 23

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Ammiano, Maxwell, McGoldrick - 3

Quorum present.

Supervisor Ammiano noted present at 2:08 p.m.
Supervisor Maxwell excused from attending today's meeting. (See Infra)
Supervisor McGoldrick excused from attending today's meeting. (See Infra)

APPROVAL OF MEETING MINUTES

Supervisor Daly, seconded by Supervisor Dufty, moved to approve May 13, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Supervisors Maxwell and McGoldrick Excused from Attendance

Supervisor Daly, seconded by Supervisor Dufty, moved to excuse Supervisors Maxwell and McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Peskin, moved to suspend Rule 4.28 Rules of Order of the Board of Supervisors to grant the privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Supervisor Gonzalez introduced, and welcomed Mr. Rojas dignitary visiting from Puerto Rico.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Alex Mammak in recognition of his retirement from the Department of Public Works.

The Clerk of the Board, Gloria L. Young, introduced and welcomed Elicia Phillips, and members of the San Francisco Chapter of the Delta Sigma Theta Sorority, Inc.

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Services Committee

030824 [Accept-Expend State Grant]
Supervisors Dufty, Newsom

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning for a project entitled "Suppression of Drug Abuse in Schools Program." (Police Department)

(No Public Benefit Recipient.)

Resolution No. 425-03
ADOPTED

030901 [Accept-Expend State Grant]
Supervisors Dufty, Newsom

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)

Resolution No. 428-03
ADOPTED

030902 [Accept-Expend State Grant]
Supervisors Dufty, Newsom

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $74,028 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)

Resolution No. 429-03
ADOPTED

030925 [Accept-Expend State Grant]
Mayor, Supervisors Dufty, Newsom

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of $251,674 from the California Governor's Office of Emergency Services for emergency response equipment. (Mayor)

Resolution No. 431-03
ADOPTED

030927 [Accept-Expend State Grant]
Supervisors Dufty, Newsom

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $15,000 from the State of California Controller's Office for funding technology-related acquisitions to enhance public safety. (Sheriff)

(No Public Benefit Recipient.)

Resolution No. 432-03
ADOPTED

030924 [Accept-Expend State Grant]
Mayor, Supervisors Dufty, Newsom

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of $179,451 from the California Governor's Office of Emergency Services for emergency operations planning. (Mayor)

Resolution No. 430-03
ADOPTED

Recommendation of the Finance and Audits Committee

030883 **[Acceptance of an Easement]**

Resolution authorizing the acceptance of an avigation easement by the City and County of San Francisco from Martin/Regis San Bruno Associates, L.P. for the development of the former United States Navy Site in the City of San Bruno, at no cost to the City and County of San Francisco. (Real Estate Department)

(Pubic Benefit Recipient.)

Resolution No. 426-03

ADOPTED

Recommendations of the Rules Committee

030905 **[Settlement of Lawsuit - JMB Construction, Inc.]**

Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for $200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action.

(Public Benefit Recipient.)

Ordinance No. 177-03

FINALLY PASSED

031013 **[Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for $2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of $1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.

PASSED ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031083 **[Adopting findings related to the conditional use appeal on property located at 2690 Harrison Street (aka 3000 23rd Street)]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1311EC (which allowed the construction of dwelling units in a C-M (Heavy Commercial) zoning district, by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street) (Lot 004 in Assessor's Block 3639). (Clerk of the Board)

(Companion measure to Files 030654, 030655, 030656, 030657, 030658.)

Motion No. M03-103

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Recommendations of the Budget Committee

030622 **[Approving Discovery Fees]**
Mayor, Supervisor Daly

Ordinance making environmental findings and approving a fee schedule for discovery costs charged by the San Francisco District Attorney's office. (Mayor)

Ordinance No. 172-03

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Hall, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez
Excused: 2 - Maxwell, McGoldrick

030914 **[Re-appropriate existing funding for the over-expenditures in personnel costs, non-personal services, and workers compensation for DPH]**
Mayor, Supervisor Daly

Ordinance re-appropriating $9,342,000 of existing departmental revenues to cover over- expenditures in personnel costs, non-personal services, and workers compensation for the San Francisco General and Laguna Honda Hospitals for the Department of Public Health for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Ordinance No. 178-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

30735 **[Appropriation, $714,075 - Environmental evaluation of various city projects]**
Supervisors Dufty, Daly

Ordinance appropriating $714,075 of surplus City Planning Commission Fees for professional services for preparation of Environmental Impact Reports (EIRs) related to community planning for San Francisco's eastern neighborhoods (Mission, South of Market, Showplace Square/Potrero Hill, Visitaction Valley and Bayview/Hunter's Point) and salary and fringe benefits for existing unfunded positions involved in Contract supervision of the EIRs and to address backlogs in environmental evaluation of various city projects for fiscal year 2002-03, placing $400,000 in Controller's reserve and $127,000 in a fiscal committee reserve. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 173-03
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030736 **[Appropriation, $3,974,184 - Police Department]**

Ordinance appropriating a total of $3,974,184 from the General Reserve for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 174-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030966 **[MOU - Teamsters, Local 853]**
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 155-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030967 [MOU - Automotive Mechanics Union Lodge No. 1414]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Mechanics Union Lodge No. 1414, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 156-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030968 [MOU - Deputy Probation Officers' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 157-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030969 [MOU - District Attorney Investigators' Association]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 158-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)]
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 159-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

30972 **[MOU - San Francisco Institutional Police Officers' Association]**
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 160-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030974 **[MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO]**
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 162-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

30975 **[MOU - San Francisco Interns and Residents Association]**
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 163-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030976 **[MOU - Union of American Physicians and Dentists (Unit 11-AA)]**
Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 164-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030977 [MOU - Staff and Per Diem Nurses, SEIU Local 790]
Mayor, Supervisor Daly

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Staff and Per Diem Nurses, SEIU Local 790, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 165-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030978 [MOU - Teamsters, Local 856 (Supervising Nurses)]
Mayor, Supervisors Daly, Newsom

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Supervising Nurses), to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 166-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030979 [MOU - Laborers International Union, Local 261]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)

Ordinance No. 167-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030973 [MOU - Municipal Attorneys' Association]
Mayor, Supervisor Gonzalez

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

Supervisor Newsom previously excused from voting on this item.
Ordinance No. 161-03
FINALLY PASSED by the following vote:
Ayes: 6 - Ammiano, Dufty, Gonzalez, Hall, Ma, Sandoval
Noes: 2 - Daly, Peskin
Excused: 3 - Maxwell, McGoldrick, Newsom

30784 **[Interim Government Funding, Fiscal Year 2003-04]**
Mayor

Interim Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

Ordinance No. 153-03
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030785 **[Interim Public Employment, Fiscal Year 2003-04]**
Supervisor Daly

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

Ordinance No. 154-03
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Recommendations of the Land Use Committee

021726 **[Regulation of mobile storage containers on the public right-of-way]**
Supervisors Sandoval, Maxwell, Gonzalez

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

Ordinance No. 170-03
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030422 [Environment Code and Precautionary Principle Policy]
Mayor, Supervisors McGoldrick, Gonzalez, Maxwell, Daly

Ordinance enacting a new Environment Code by repealing Chapters 12I (Tropical Hardwood and Virgin Redwood Ban); 12S (Ban on Purchase of Motor Vehicle Fuel Containing MTBE); 12T (Transportation of Aggregate Materials); 21A (Resource Conservation); 21F (Environmentally Preferable Purchasing); 21G (Arsenic-Treated Wood); 39 (Integrated Pest Management Ordinance); 82 (Resource Efficiency Requirements; 85 (Healthy Air and Smog Prevention); and 5 (Article XXIII) (Urban Forestry Council) of the San Francisco Administrative Code and by re-adopting these provisions with minor changes, including dissolving the inactive Clean Air Advisory Committee, and adding a Precautionary Principal Policy Statement as Chapter 1 of the Environment Code; and requesting the Planning Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)

Ordinance No. 171-03

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Maxwell, McGoldrick

030779 [Speed Limit - Fulton Street between Masonic Avenue and Stanyan Street]
Supervisor Gonzalez

Ordinance adding Section 174.05 and amending Section 175.22 of the San Francisco Traffic Code to reduce the speed limit from 30-MPH to 25-MPH on Fulton Street between Masonic Avenue and Stanyan Street. (Parking and Traffic Department)

Ordinance No. 175-03

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030862 [Restricted Traffic Streets]
Supervisor Hall

Ordinance adding Traffic Code Sections 28.1.107, 28.1.108, and 28.1.109 to restrict any person from operating a vehicle with gross weight in excess of 6,000 pounds on Claremont Boulevard between Portola Drive and Taraval Street, Dewey Boulevard between Laguna Honda Boulevard and Taraval Street, and Taraval Street between 14th Avenue and Dewey Boulevard.

(5/16/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Ordinance No. 176-03

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

NEW BUSINESS

Recommendations of the City Services Committee

030648 **[Liquor License Transfer, 682-684 Commercial Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from #1 Embarcadero Center to 682-684 Commercial Street (District 3), to Chun Mie and Kam Leung Li dba "EC5" will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 423-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030749 **[Liquor License, 111 Minna Street Gallery]**
Supervisors Gonzalez, Daly

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eiming Jung for 111 Minna Street Gallery, located at 111 Minna Street (District 6), to include the increased area and additional bar constructed by the licensee as part of Minna Gallery's expansion project, will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 424-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030903 **[IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]**
Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of $56,318,103.

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be REFERRED to the Budget Committee. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030904 [Child Care Services Contract Approval - Children's Council of San Francisco]
Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of $104,579,925.

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be REFERRED to the Budget Committee. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030900 [Evaluating the non-name HIV reporting system in California]
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to enter retroactively into an agreement with the Regents of the University of California San Francisco (UCSF), the primary contractor, to accept and expend funds in the amount of $11,500 to evaluate the acceptability of California's HIV Surveillance Program by non-name code, for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 427-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Recommendations of the Finance and Audits Committee

030870 [Repealing Airport Commission authority to approve counsel assigned to the Airport]
Supervisors Daly, Gonzalez

Ordinance repealing Administrative Code Section 2A.172 to eliminate the Airport Commission's authority to approve counsel assigned to the Airport by the City Attorney.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030582 [Sale of City Real Property]
Supervisors Peskin, Gonzalez, Ma

Ordinance amending Section 23.3 of the Administrative Code to provide that the sale of City real property shall be at a sales price of at least 100 percent of the Director of Property's appraised value of the real property, rather than the current 90 percent requirement, except for sales resulting from public auctions or competitive bidding.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Recommendations of the Rules Committee

030858 [Charter Amendment - Rainy Day Reserve]
Supervisors Ammiano, McGoldrick, Newsom

Charter Amendment (Third Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

Continued to July 8, 2003 as the Board Sitting as a Committee of the Whole

Supervisor Ammiano, seconded by Supervisor Hall, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030741 [Charter Amendment - Commission on the Environment]
Supervisors Maxwell, Gonzalez, Sandoval

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

Continued to July 8, 2003

Supervisor Sandoval, seconded by Supervisor Ma, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

SPECIAL ORDER 3:00 P.M.

Recess

The Board recessed at the hour of 2:52 p.m.

Reconvening of the Board

The Board at the hour of 3:05 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin
Sandoval - 8

Supervisor Hall noted present at 3:07 p.m.

030886 **[Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

Ron Goode, Restore Hetch Hetchy, Appellant
John Rizzo, Sierra Club, Appellant

Winchell Hayward, support of appellant
Michael Borenstein, Bay Chapter of the Sierra Club explained the Sierra Club's position
Janet Olsen; Tuolumne River Trust, support of appellant

Paul Maltzer, Environmental Officer, Department of Planning and Patricia Martel, Genral Manager, Public Utilities Commission discussed the Planning Commission's recommendations.

Board Members reviewed and discussed issues with representatives of the Planning Department and the Public Utilities Commission.

A rebuttal period was allowed.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030887 **[Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Motion No. M03-102

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

30888 [Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030889 [Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

SPECIAL ORDER 3:00 P.M.

030956 [Public Hearing - Appeal, Conditional Use, 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A.

(Appeal filed May 29, 2003; Categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; companion measure to Files 030957, 030958; 030959; District 2.)

Continued to July 22, 2003

Supervisor Newsom, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

030957 **[Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion approving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Newsom, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030958 **[Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Newsom, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

030959 **[Findings - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Newsom, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

SPECIAL ORDER 3:00 P.M.

031037 **[Public Hearing - Appeal, Conditional Use, 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Hearing of persons interested in or subject to the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at 40-50 Lansing Street (a.k.a. 35 Guy Place), Lot 11, in Assessor's Block 3749.

(Appeal filed June 2, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to the Negative Declaration adopted and issued on April 22, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration); companion measure to Files 031038, 031039, 031040, 031090; District 6.)

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

031038 **[Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion approving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

031039 **[Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

031040 **[Findings - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting. (Clerk of the Board)

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

031090 **[Environmental Review - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place). (Clerk of the Board)

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abduallah Megaheed; homeless issues
Richard Richard Robertson; general issues
Male Speaker; homeless issues

Loss of Quorum 4:09 p.m.
Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Gonzalez, Hall, Newsom, Peskin
Sandoval - 7

Supervisor Dufty noted absent at 4:09 p.m.
Supervisor Ma noted present at 4:10 p.m.

Joseph; on behalf of John Jenkel HJ 20
Female speaker; on behalf of John Jenkel HJ 20
Male Speaker; on behalf of John Jenkel HJ 20
Matt; thanked Board members for their support in the efforts to release Dr. Charles Lee and invited them to attend a rally on July 12, 2003
Male Speaker; Article 23K
Michael Silverstein, Firehouse 33 coverage during closure for retrofit
James Chaffee; SF Library Issues, holding comment until three minutes
Male Speaker; general issues

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

Supervisor Dufty noted present at 4:29 p.m.
Supervisor Newsom noted absent at 4:29 p.m.

031113 **[Closed Session - Existing Litigation]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor

U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01 (City Attorney)

Supervisor Daly, seconded by Supervisor Dufty, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (b) & (c), and Administrative Code Section 67.10, for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 4:29 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:42 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Peskin, Sandoval - 8

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in attendance:
Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Peskin, Sandoval - 8

Theresa Mueller, Deputy City Attorney
Randy Wu, Deputy City Attorney
Ted Lakey, Deputy City Attorney
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Daly, seconded by Supervisor Dufty, moved not to disclose its Closed Session Deliberations. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031106 [Commend Frances Park-Li Rothman]

Supervisors Dufty, Hall, Ma, Newsom, Ammiano, Maxwell, Peskin, Daly, Gonzalez, Sandoval, McGoldrick

Resolution commending the civic career of Frances Park-Li Rothman.

(No fiscal impact.)

Resolution No. 433-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031108 [Commend Pop Zhao]

Supervisors Maxwell, Dufty, Peskin, Ma

Resolution commending Pop Zhao for his work, Celebrate: Life, Liberty & Beauty and acknowledging his efforts to create a memorial artwork dedicated to September 11 victims in New York City.

(No fiscal impact.)

Resolution No. 434-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031109 [Tobacco Tax Revenue]

Supervisors Maxwell, Daly

Resolution to support earmarking Tobacco Tax Revenues for Tobacco Prevention and Cessation.

(No fiscal impact.)

Resolution No. 435-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031110 [Commend SF Juneteenth Organizing Committee]
Supervisors Newsom, Dufty

Resolution commending the San Francisco Juneteenth Organizing Committee for another successful Juneteenth Festival and Parade honoring the independence of African American slaves in Texas and the African American community in the City and County of San Francisco.

(No fiscal impact.)

Resolution No. 436-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031112 [Commend Chinese Chamber of Commerce]
Supervisors Peskin, Dufty, Ma

Resolution commending the work of the Chinese Chamber of Commerce revitalizing the economy of Chinatown.

(No fiscal impact.)

Resolution No. 437-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031087 [Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 223 – 231 Dolores Street, A Residential Condominium Project, being a subdivision of Lot 237 in Assessor's Block No. 3556, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,183; District 8.)

Motion No. M03-104

APPROVED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031088 [Final Map for a 54 Unit Live/Work Condominium Project]

Motion approving Final Map of One Bluxome Street, A Live/Work Condominium Project, being a subdivision of Lot 103 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,191; District 6.)

Motion No. M03-105

APPROVED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031089 **[Final Map for a 10 Unit Live/Work Condominium Project]**

Motion approving Final Map of 2221 – 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 4329, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,190; District 10.)

Motion No. M03-106

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031149 [Commending Inspiring Young Emerging Leaders]
Supervisor Sandoval

Resolution commending Inspiring Young Emerging Leaders (I-YEL) for its production of the satirical play concerning environmental injustice "Not in My BAAAckyard, the Great Widget Conspiracy."

[No fiscal impact.]

Resolution No. 438-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

031150 [Commending Karen Hagen]
Supervisor Daly

Resolution commending the extraordinary services of Karen Hagen who has served the San Francisco Community as Public Health Nurse for the last 21 years.

[No fiscal impact.]

Resolution No. 439-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

OFF-AGENDA LEGISLATION

Ordinances

031151 [Creating the Divisadero Street Alcohol Restricted Use District]
Supervisor Gonzalez

Ordinance adding Section 783 to the Planning Code to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU and 7SU of the City and County of San Francisco to indicate the boundaries of the Divisadero Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

[No fiscal impact.]
6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

31152 [Amending Administrative Code Chapter 31 to Provide Appeals of Certain Environmental Determinations]
Supervisor Peskin

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain determinations under the California Environmental Quality Act, and to provide public notice of certain determinations.

[No fiscal impact.]
6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

031153 [Establishing a Construction Risk Management Committee]
Supervisor Dufty

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]
6/24/03, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

031158 [BART-SFO Extension]
Supervisors Peskin, Dufty, Daly

Resolution commending the completion of the BART-SFO Airport Extension.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031159 [Stockton Street Enhancement Plan]
Supervisor Peskin

Resolution urging the Department of Parking and Traffic and the Department of Public Works to implement the Stockton Street Enhancement Plan.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031160 [Extension of Planning Commission Review Period]
Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]
Supervisors Sandoval, Daly, Peskin

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031162 [Student Adjustment Act H.R. 1684]
Supervisors Sandoval, Dufty, Daly

Resolution urging the California Congressional delegation to pass the Student Adjustment Act (H.R. 1684) which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status.
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests For Hearing

031155 **[CITYSTAT Technology Systems]**
Supervisor Newsom

Hearing to discern the feasibility of bringing a CITYSTAT technology systems to the City and County of San Francisco, including but not limited to the costs associated with purchasing all hardware and software necessary for the successful implementation of this system.

[No fiscal impact.]
6/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031156 **[Civil Grand Jury report on truancy in City schools]**
Supervisor Dufty

Hearing to discuss truancy issues raised by the Civil Grand Jury report on truancy in City schools; also to consider the SFUSD's 'Stay in School Plan' and other initiatives to encourage student retention.

[No fiscal impact.]
6/24/03, RECEIVED AND ASSIGNED to City Services Committee.

Motions

031148 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031154 **[Legislative Analyst Request - CITYSTAT Technology Systems]**
Supervisors Newsom, Dufty, Hall, Ma

Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

[No fiscal impact.]
6/24/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration July 8, 2003.

031157 **[Port Management Audit]**
Supervisors Daly, Peskin

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

[No fiscal impact.]
6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031078 **[Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for $80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)
6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

031079 **[Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for $105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)
6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

031080 **[Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]**

Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for $145,000.00 in attorney's fees and $4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)
6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

031081 **[Settlement of Lawsuit - Mesha Irizarry]**

Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for $500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)
6/11/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

031082 [Accept-Expend State Grant]
Supervisor Dufty

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant in the amount of $167,908 from the California Office of Traffic Safety (OTS) for an Occupant Protection Program. (Police Department)

(No Public Benefit Recipient.)[No fiscal impact.]
6/13/03, RECEIVED AND ASSIGNED to City Services Committee.

031095 [Contract Prop J: Facility Security Services]
Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.

(Public Benefit Recipient.) [No fiscal impact.]
6/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

In Memoriams

Thomas Stevens (Supervisor Dufty)
Lenin Valle (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 4:37 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 12, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, July 8, 2003 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 24

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors McGoldrick, Newsom - 2

Quorum present.

Supervisor McGoldrick was noted present at 2:05 p.m.
Supervisor Newsom was excused from attending today's meeting.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to approve May 20, 2003, May 28, 2003 and June 3, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Supervisor Newsom Excused from Attendance

Supervisor Dufty, seconded by Supervisor Ma, moved to excuse Supervisor Newsom from attending today's meeting. The motion carried by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

CONSENT AGENDA

Recommendations of the Rules Committee

030258 **[Appointment]**

Resolution appointing Betty Packard, term ending November 30, 2004 to the Ballot Simplification Committee.

Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for a two year term ending November 30, 2004.

Resolution No. 442-03
ADOPTED

031131 **[Appointment]**

Resolution appointing James Hutchinson, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.

James Hutchinson (residency requirement waived), succeeding Marvin Ruiz, resigned, seat 2, must represent the Bureau of Building Inspection, DPW, or designee for the unexpired portion of a 4 year term ending December 22, 2003.

Resolution No. 451-03
ADOPTED

Recommendations of the City Services Committee

031016 **[Study of HIV prevention in beerhalls in Harare, Zimbabwe]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to enter retroactively into the second year of an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and to accept and expend funds in the amount of $39,774 to participate in a randomized trial of HIV prevention in beerhalls in Harare, Zimbabwe, for the period of May 1, 2003, to April 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 448-03
ADOPTED

031082 [Accept-Expend State Grant]
Supervisor Dufty

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant in the amount of $167,908 from the California Office of Traffic Safety (OTS) for an Occupant Protection Program. (Police Department)

(No Public Benefit Recipient.)[No fiscal impact.]

Resolution No. 450-03
ADOPTED

Recommendations of the Land Use Committee

030952 [STOP Intersections]
Supervisor Sandoval

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Alemany Boulevard at Justin Drive, stopping Justin Drive at Alemany Boulevard, north intersection, making this T-intersection an all-way STOP; 15th and De Haro Streets, stopping De Haro Street, making this intersection an all-way STOP; and Eucalyptus Avenue, Junipero Serra Frontage Road and Ocean Avenue, stopping Junipero Serra Frontage Road at Ocean Avenue; and stopping Eucalyptus Avenue at Ocean Avenue, making this five-legged intersection a three-way STOP. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

Resolution No. 443-03
ADOPTED

30953 **[Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

DIAMOND (TRANSIT ONLY) LANE, AT ALL TIMES - ESTABLISH
4th Street, right lane, between Minna and Mission Streets; and
4th Street, second lane from right curb lane, between Howard and Minna Streets.

DIAMOND (TRANSIT ONLY) LANE, FROM 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
4th Street, right curb lane, between Clementina and Howard Streets.

STREET CLOSURE, EVERYDAY, FROM 10 AM TO 10 PM - EXTENSION OF HOURS
Claude Lane, between Bush and Sutter Streets. (This street is already closed everyday, from 10:00 AM to 3:00 PM and then again from 5:30 PM to 10:00 PM. This would simply extend the closure times to be continuous from 10:00 AM to 10:00 PM).

NO TURN ON RED - ESTABLISH
Drumm Street, southbound, at Market Street. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

Resolution No. 444-03
ADOPTED

030954 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Webster Street, west side, between Haight and Page Streets (200 block); and
Guerrero Street, east side, between 18th and 19th Streets (600 block).

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
25th Street, both sides, between Alabama and Florida Streets (3000 block).

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
20th Street, south side, between Missouri and Texas Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sanchez Street, both sides, between 27th and Cesar Chavez Streets (1300 block).

RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Broderick Street, east side, between Post and Sutter Streets (1500 block, even numbers only);
Note: No signs will be posted on this block.
Broderick Street, east side, between Garden and Post Streets (1400 block;
Broderick Street, west side, between Geary Boulevard and Post Street (1400 block); and
2300 block of Post Street, both sides, between Broderick and Divisadero Streets (includes odd addresses 2325 to 2399 and even addresses 2352 to 2398 only);

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
26th Street, north side, from 40 feet to 245 feet west of Wisconsin Street.

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Treat Avenue, both sides, between 24th and 25th Streets (1100 block).
TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
4th Street, west side, between Clementina and Howard Streets.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Ocean Avenue, south side, from Harold Avenue to 95 feet westerly.
UNMETERED MOTORCYCLE PARKING - ESTABLISH
210-212 Noe Street, west side, 47 feet south of 15th Street (two spaces).

TOW-AWAY, NO PARKING, 6 PM TO 6 AM EVERY NIGHT, EXCEPT MUNI BUSES - ESTABLISH
Treat Avenue, west side, from 15th Street to 80 feet southerly; and
Treat Avenue, east side, from 15th Street to Harrison Street.
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, south side, between Funston Avenue and Park Presidio Boulevard.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Geary Boulevard, north side, between Funston Avenue and Park Presidio Boulevard.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Clement Street, both sides, between 14th and Funston Avenues;

Anza Street north side, between 14th and Funston Avenues; and
Anza Street, south side, between 14th Avenue and Park Presidio Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
17th Street, south side, from Valencia Street to 86 feet westerly; and
Valencia Street, west side, from 73 feet to 196 feet south of 17th Street.
RESIDENTIAL PERMIT PARKING AREA "B" - RESCIND
RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) – ESTABLISH
Belle Avenue, both sides, between Junipero Serra Boulevard and St. Charles Avenue;
Chester Avenue, both sides, between Belle Avenue and Payson Street;
Palmetto Avenue, both sides, between Junipero Serra and Alemany Boulevards;
Payson Street, both sides, between Chester and St. Charles Avenues;
St. Charles Avenue, both sides, between Payson Street and south terminus;
Kempton Avenue, both sides, between Alemany Boulevard and Brotherhood Way;
Alemany Boulevard, north side, between St. Charles Avenue and Arch Street;
Alemany Boulevard, south side, between Worcester Avenue and Ramsell Street;
Alemany Boulevard, south side, between Junipero Serra Boulevard and St. Charles Avenue;
Ramsell Street, both sides, between Alemany Boulevard and Palmetto Avenue;
Palmetto Avenue, north side, between Ramsell and Victoria Streets;
Niantic Avenue, west side, between Panama Street and St. Charles Avenue; and
Panama Street, both sides, between Niantic Avenue and the western terminus.
(Note: No signs will be installed on Panama Street)
RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM- 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Alemany Boulevard, north side, between Arch Street and Brotherhood Way;
Alemany Boulevard, south side, between St. Charles and Worcester Avenues; and
Arch Street, both sides, between Alemany Boulevard and Brotherhood Way.
RESIDENTIAL PERMIT PARKING AREAS "B" AND "CC" (2-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Palmetto Avenue, south side, between Head and Ramsell Streets.
RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM – 5 PM, MONDAY THROUGH FRIDAY) – ESTABLISH
Alemany Boulevard, south side, between Head and Ramsell Streets;
Palmetto Avenue, north side, between Victoria and Head Streets; and
Victoria Street, both sides, between Alemany Boulevard and Palmetto Avenue. (Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

Resolution No. 445-03
ADOPTED

031054 **[Accept and Expend State Grant]**
Mayor, Supervisor Sandoval

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $704,000 for FY 2003-04 for various pedestrian and bicycle projects in the City and County of San Francisco. (Mayor)

(No fiscal impact; No Public Benefit Recipient.)

Resolution No. 449-03
ADOPTED

PASS THE CONSENT AGENDA by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031129 **[Adopting findings - Appeal of the CEQA determination by the Planning Department for the Wharf J-10 project]**

Motion adopting findings related to the appeal of the determination by the Planning Department that the Wharf J-10 project was statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency. (Clerk of the Board)

(Companion measure to Files 030838, 030839, 030840, 030906, 030907, 030908, 031045.)

Motion No. M03-107
APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

31173 **[Adopting findings related to the conditional use appeal on property located at 1017 Ocean Avenue]**

Motion adopting findings related to the appeal of the approval of the Planning Commission of Conditional Use Application No. 2002.1231C (which authorized, subject to conditions, the installation of three panel antennas on a stair penthouse located at an existing three-story multi-use structure (commercial/residential) as part of the wireless telecommunications network operated by Verizon Wireless) within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues (Lot 041 in Assessor's Block 6945). (Clerk of the Board)

(Companion measure to Files 030704, 030705, 030706, 030707.)

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Recommendation of the Budget Committee

030803 **[Appropriation - $6,000,000 for the Public Education Programs]**
Supervisors Daly, Ma, Dufty

Ordinance appropriating $2,000,000 of Delinquent Payroll Tax Revenue and $4,000,000 from the State Revenue Stabilization Reserve for a total of $6,000,000 for public education programs for fiscal year 2002-03.

(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)

Continued to July 15, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Recommendations of the Finance and Audits Committee

030582 **[Sale of City Real Property]**
Supervisors Peskin, Gonzalez, Ma

Ordinance amending Section 23.3 of the Administrative Code to provide that the sale of City real property shall be at a sales price of at least 100 percent of the Director of Property's appraised value of the real property, rather than the current 90 percent requirement, except for sales resulting from public auctions or competitive bidding.

Ordinance No. 179-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030870 [Repealing Airport Commission authority to approve counsel assigned to the Airport]
Supervisors Daly, Gonzalez

Ordinance repealing Administrative Code Section 2A.172 to eliminate the Airport Commission's authority to approve counsel assigned to the Airport by the City Attorney.

Ordinance No. 180-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Recommendations of the Rules Committee

030741 [Charter Amendment - Commission on the Environment]
Supervisors Maxwell, Gonzalez, Sandoval

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

Continued to July 15, 2003

Supervisor Peskin, seconded by Supervisor Daly, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for $2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of $1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.

Ordinance No. 181-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

NEW BUSINESS

Recommendations of the Budget Committee

030980 **[Establishing an Administrative Services Vehicle Leasing Program Fund]**
Mayor, Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030982 **[Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]**
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.41, to authorize the Controller to collect a fee of $40 for issuing a property tax certificate under Government Code Section 66492 and a fee of $20.00 for issuing a replacement W-2 form. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030986 **[Patient Rates, Fiscal Year 2003-04]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**
Mayor

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

(Supervisor Peskin dissenting in Committee.)

Continued to July 15, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030992 **[Amending Administrative Code Section 10.100-218.]**
Mayor

Ordinance amending Administrative Code Section 10.100-218 to (1) permit unencumbered tobacco settlement revenues received by the City and deposited into the Tobacco Settlement Revenue Sub-account prior to the date of issuance of the City's bonded indebtedness authorized by the voters pursuant to Proposition A of November of 1999 to be used for a transfer to the General Fund in fiscal year 2003-2004 for the payment of certain Department of Public Health expenses and (2) provide a guarantee of payment from the City's General Fund in the event that less than $100,000,000 of tobacco settlement revenues are available to be expended on the Laguna Honda Hospital reconstruction project. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030916 **[Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]**
Supervisors Peskin, Daly

Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.

Supervisor Peskin, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030988 **[Setting Administrative Fee for Tow of Vehicles]**
Mayor

Ordinance approving administrative fee of $194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030971 **[PERS Contract Amendment]**
Mayor, Supervisor Sandoval

Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco. (Mayor)

Resolution No. 446-03
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

30985 **[Redevelopment Agency Budget and Bonds, Fiscal Year 2003-2004]**
Mayor, Supervisor Daly

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004; and approving the Issuance by the Agency of Bonds in an aggregate principal amount not to exceed $61,000,000 for the purpose of financing Redevelopment activities in fiscal year 2003-2004. (Mayor)

Resolution No. 447-03

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

031132 **[Treasure Island Development Authority Budget, Fiscal Year 2003-2004]**
Supervisor Daly

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Budget Committee)

(Public Benefit Recipient.)

Resolution No. 452-03

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

rom the Budget Committee "Without Recommendation"

030981 **[Increasing the Emergency Response Fee imposed on telephone subscribers]**
Mayor

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick
Noes: 3 - Gonzalez, Peskin, Sandoval
Excused: 1 - Newsom

Recommendations of the Land Use Committee

021586 **[Acceptance of Street for Maintenance Purposes]**

Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations, pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794. (Public Works Department)

(No fiscal impact; No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030678 **[Prohibiting subsurface development on property adjacent to the Embarcadero, owned by the City and dedicated as open space]**
Supervisor Peskin

Ordinance prohibiting subsurface development on certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, and a portion of Block 203, Lot 14, partial jurisdiction over which has previously been transferred from the Department of Public Works to the Recreation and Park Commission, and transferring to the Recreation and Park Commission the subsurface area of property previously transferred.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030793 **[Opposition to the Proposed Potrero Unit 7 Power Plant]**
Supervisors Maxwell, Ammiano, Daly, McGoldrick, Peskin, Sandoval

Resolution opposing the proposed Potrero Unit 7 power plant project and urging City officials and departments not to enter into any agreements that may be required to facilitate or enable the siting, licensing, approval or construction of the proposed Potrero Unit 7 power plant and urging the City Attorney to actively oppose the Potrero Unit 7 project in all forums.

Resolution No. 458-03
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030997 **[Cooperative Agreement for Transbay Terminal Project]**
Supervisors Daly, Hall, Ammiano

Resolution approving a Cooperative Agreement between the City and County of San Francisco, the Transbay Joint Powers Authority and the State of California for the acquisition of vacant State-owned property comprising portions of the former Route 480 and Embarcadero Freeway Right-of-Way, and including the Transbay Terminal and its Loop Ramps, for purposes of the Transbay Terminal Project; and making findings of consistency with the General Plan and eight priority policies of Planning Code section 101.1, and environmental findings.

(No Public Benefit Recipient.)

Resolution No. 441-03
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Recommendations of the Rules Committee

030652 **[Amendments to the Municipal Elections Code]**

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030994 **[Filing Electronic Copies of Campaign Statements]**
Supervisor Ammiano

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from $10 per day to $25 per day.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

031101 **[Adding Rule 1.10 to the Rules of Order]**
Supervisors Gonzalez, Dufty, Newsom, Peskin

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.

(No fiscal impact.)

Continued to July 15, 2003

CONTINUED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

From the Rules Committee "Without Recommendation"

030848 [General Assistance-In-kind Assistance]
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

Continued to July 15, 2003

Supervisor Dufty, seconded by Supervisor Hall, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Ammiano, Daly
Excused: 1 - Newsom

030871 [General Assistance - In- Kind Assistance]
Supervisors Daly, Ma, Maxwell

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Daly, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Dufty, Gonzalez, Hall, McGoldrick
Excused: 1 - Newsom

Recommendation of the Rules Committee

020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]
Supervisors Ammiano, Gonzalez, Newsom, Dufty, Hall, Sandoval

Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

Continued to July 15, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

From the Rules Committee With Recommendation "Do Not Submit"

030865 [Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]
Supervisor Daly

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

Continued to July 15, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030866 [Charter Amendment - Establishing an Elected Rent Board]
Supervisor Daly

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

Continued to July 15, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

From the Rules Committee "Without Recommendation"

030859 [Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]
Supervisors Ammiano, McGoldrick, Gonzalez

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

(Supervisor Hall dissenting in Committee.)

Continued to July 15, 2003

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

030858 [Charter Amendment - Rainy Day Reserve]
Supervisors Ammiano, McGoldrick, Newsom

Charter Amendment (Third Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

Supervisor Peskin, seconded by Supervisor Maxwell, moved to continue this matter to July 15, 2003.

Motion failed by the following vote:
Ayes: 5 - Daly, Ma,Maxwell, Peskin, Sandoval
Noes: 5 - Ammiano, Dufty, Gonzalez, Hall, McGoldrick,
Absent: 1 - Newsom
ORDERED SUBMITTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

SPECIAL ORDER 3:00 P.M.

030961 [Public Hearing - Appeal, Categorical Exemption, 948-950 Lombard Street]
Hearing of persons interested in or objecting to the decision of the Planning Department dated May 7, 2003, approving a categorical exemption from the California Environmental Quality Act ("CEQA"), as provided in the CEQA Guidelines, 14 California Code of Regulations Sections 15301, 15303, and 15331.

(F. Joseph Butler, Architect, Appellant; Appeal filed May 27, 2003.)

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following three motions should be adopted.)

031164 **[Tabling the appeal of the categorical exemption issued for 948-950 Lombard Street]**

Motion tabling the appeal of the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource. (Clerk of the Board)

Motion No. M03-109

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval
Excused: 1 - Newsom

031021 **[Affirming the categorical exemption issued for 948-950 Lombard Street]**

Motion affirming the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval
Excused: 1 - Newsom

031022 **[Disapproving the categorical exemption issued for 948-950 Lombard Street]**

Motion disapproving the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval
Excused: 1 - Newsom

031023 **[Preparation of findings to disapprove categorical exemption issued for 948-950 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval
Excused: 1 - Newsom

COMMITTEE REPORTS

From the Rules Committee

030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]
Supervisor Newsom

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

(No fiscal impact.)

Continued to July 15, 2003

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]
Supervisor Ammiano

Charter amendment (Fourth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Charter amendment (Fifth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

30812 [Charter Amendment - Designating the Controller as City Services Auditor]
Supervisors McGoldrick, Peskin, Ma, Dufty, Maxwell, Sandoval, Hall

Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

Continued to July 15, 2003

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]

Charter amendment (Second Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Charter amendment (Third Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

CONTINUED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]
Supervisor Gonzalez

Charter amendment (Second Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

6/18/03 Amendment of the whole bearing same title.

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdulla Megaheed; homeless issues
Jose Morales; support of elected Rent Board
Bonnie; keep Fire Engine Station 33 open
Female Speaker; keep Fire Engine Station 33 open
Marilyn Ammini; Secondary Unit legislation issues
Male Speaker; issues relating to Chamber procedures
Francisco Di Costas; toxic issues
Joseph Edwards; speaking on behalf of John Jenkel
Male Speaker; speaking on behalf of John Jenkel
Jim Corrigan; Fire Department budget issues
Charlotte Nash; request support to keep SF Liberation Radio Station
Karen Hatch; request support to keep SF Liberation Radio Station
Stephen Schubler; request support to keep SF Liberation Radio Station
Larry Shot; request support to keep SF Liberation Radio Station
Mike; request support Bayview Hunter's Point Radio Station and
Tracy Newsom; support elected Rent Board
Diana Malarksy; rent issues
Bill Rambo; appreciation of City employees who assisted him
Female Speaker; Patriot Act

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031154 [Legislative Analyst Request - CITYSTAT Technology Systems]
Supervisors Newsom, Dufty, Hall, Ma

Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

[No fiscal impact.]

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

From the City Services Committee "Without Recommendation"

030737 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]
Supervisors McGoldrick, Daly

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

Continued to July 15, 2003

Supervisor McGoldrick, seconded by Supervisor Hall, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

CLOSED SESSION

City as Defendant

031172 [Closed Session - Anticipated Litigation As Defendant]
Supervisor McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney that, based on existing facts and circumstances, there is significant exposure to litigation against the City (City anticipated to be a defendant) regarding the proposed ordinance to preserve the emergency nature of the City's shelter system, to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

This closed session would be permitted by Government Code Section 54956.9(b) (1), and San Francisco Administrative Code Section 67.10(d) (2), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City if litigation is filed.

Continued to July 15, 2003

Supervisor McGoldrick, seconded by Supervisor Hall, moved that this Litigation be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

CLOSED SESSION

City as Defendant

031171 [Closed Session - Existing Litigation, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of an appeal from a Planning Commission decision granting a conditional use authorization, which decision was reversed by the Board of Supervisors on appeal, regarding a proposed demolition of an existing motel (Lanai Motel) and construction of a four story tourist hotel at 2361 Lombard St.

Realty Equities, Inc. v. San Francisco
San Francisco Superior Court No. 314-332, filed 8/14/00

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

TABLED by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

Recess

The Board recessed at the hour of 5:26 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:37 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Hall, Gonzalez, Ma, McGoldrick, Peskin, Sandoval - 6

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in attendance:
Supervisors Hall, Gonzalez, Ma, McGoldrick, Peskin, Sandoval - 6

Supervisor Dufty noted absent at 6:09 p.m.
Supervisor Daly noted absent at 6:12 p.m.
Supervisor Ammiano noted absent at 6:22 p.m.
Supervisor Maxwell noted absent at 6:24 p.m.

Audrey Pearson, Deputy City Attorney
Lori Giorgi, Deputy City Attorney
Ted Lakey, Deputy City Attorney
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved not disclose its Closed Session Deliberations. The motion carried by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031158 [BART-SFO Extension]
Supervisors Peskin, Dufty, Daly

Resolution commending the completion of the BART-SFO Airport Extension.

[No fiscal impact.]

Resolution No. 453-03
ADOPTED

031159 [Stockton Street Enhancement Plan]
Supervisor Peskin

Resolution urging the Department of Parking and Traffic and the Department of Public Works to implement the Stockton Street Enhancement Plan.

[No fiscal impact.]

Resolution No. 454-03
ADOPTED

31160 [Extension of Planning Commission Review Period]
Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

[No fiscal impact.]

Resolution No. 455-03
ADOPTED

031162 [Student Adjustment Act H.R. 1684]
Supervisors Sandoval, Dufty, Daly

Resolution urging the California Congressional delegation to pass the Student Adjustment Act (H.R. 1684) which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status.

Resolution No. 456-03
ADOPTED

031148 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

[No fiscal impact.]

Motion No. M03-108
APPROVED

031174 [Commending Canon Barcus Community House]
Supervisor Daly

Resolution commending Canon Barcus Community House for its outstanding care and community service in managing after school and teen programs, case management, vocational support, and on-site health clinic and property management.

Resolution No. 457-03
ADOPTED

031175 [Commending Robert Martin]
Supervisor Daly

Resolution commending Robert Martin and the staff of the Tenth Street and the Church Street Compassion and Care Center for providing safe access, sympathetic care, and numerous services to San Franciscans who use medical cannabis to alleviate pain and suffering from serious illnesses.

Resolution No. 440-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

Severed from For Adoption Without Committee Reference

Supervisor Sandoval requested that this matter be severed so that it could be considered separately.

031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]
Supervisors Sandoval, Daly, Peskin

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]

Continued to July 15, 2003

CONTINUED by the following vote:
Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

Supervisor Sandoval requested that this matter be severed so that it could be considered separately.

031157 [Port Management Audit]
Supervisors Daly, Peskin

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

[No fiscal impact.]

Continued to July 15, 2003

CONTINUED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

031207 [Commending GAPA's (Gay Asian Pacific Alliance)] "Runway 15]
Supervisor Dufty

Resolution commending GAPA's (Gay Asian Pacific Alliance) "Runway 15".

ADOPTED by the following vote:

Ayes: 6 - Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Absent: 4 - Ammiano, Daly, Dufty, Maxwell
Excused: 1 - Newsom

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031193 [Historic District Street Signs]
Supervisor Peskin

Ordinance adding Traffic Code Section 8 to require that the Department of Parking and Traffic provide information indicating the designated historic district on all street signs located within a historic district.
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

031194 [Recreation and Park Commission to procure construction and design/build services in connection with the California Academy of Sciences project]
Mayor

Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee. Companion Files 031197, 031198

031195 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Sandoval, Ma, Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

031196 [CitiStat technology system]
Supervisors Newsom, Dufty

Resolution urging the Department of Telecommunications and Information Services to investigate the feasibility of implementing a CitiStat technology system for the City and County of San Francisco.
7/8/03, RECEIVED AND ASSIGNED to City Services Committee.

31197 [California Academy of Sciences Project Approval]
Mayor

Resolution approving the construction of the California Academy of Sciences project in Golden Gate Park pursuant to section 4.113 of the San Francisco Charter; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the project is consistent with the city's general plan, the Golden Gate Park master plan, and eight priority policies of city Planning Code section 101.1. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee. Companion Files 031194, 031198

031198 [CEQA Findings in Connection with the California Academy of Sciences Project]
Mayor

Resolution affirming the Planning Commission's certification of the California Academy of Sciences Final Environmental Impact and adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the California Academy of Sciences project. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee. Companion Files 031194, 031197

031199 [Reappointment of Sunil Daluvoy to the Telecommunications Commission]
Mayor

Resolution confirming the reappointment of Sunil Daluvoy to the Telecommunications Commission, term ending July 1, 2006. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

031200 [Reappointment of Kimberlee Bogen to the Telecommunications Commission]
Mayor

Resolution confirming the reappointment of Kimberlee Bogen to the Telecommunications Commission, term ending July 1, 2006. (Mayor)
7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

031202 [Sublease Amendment with the John Stewart Company related to Treasure Island Housing]
Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to change the premises, to adjust the rent schedule and to adjust the development fee. (Mayor)

(No Public Benefit Recipient.)
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

031203 [Sublease Amendment with Community Housing Partnership for Treasure Island Housing]
Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units. (Mayor)

(No Public Benefit Recipient.)
7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

031208 [Ground Lease of Redevelopment Agency Land for Jordan Apartments]
Mayor

Resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for $1.00 per year plus $129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for $2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households.

(Fiscal impact.)
7/8/03, RECEIVED AND ASSIGNED to Board of Supervisors.
7/8/03, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on August 12, at 3:00 p.m.

031216 [Authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds]
Supervisors Gonzalez, Dufty

Resolution authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031217 [Urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33]
Supervisor Hall

Resolution urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33 during the seismic retrofitting of Station 33 as well as assuring the residents of the re-opening of the station after the retrofit.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031218 [Supporting Assembly Bills 906, 121, and 471 to prohibit cruise ships pollution]
Supervisors Daly, Peskin, McGoldrick

Resolution supporting Assembly Bills 906, 121 and 471 to prohibit cruise ship pollution in California.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

31219 [Urging San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33]
Supervisors Sandoval, Gonzalez, McGoldrick, Ammiano, Peskin

Resolution urging the San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031220 [Recognizing the Vietnamese Heritage and Freedom Flag]
Supervisors Ma, Daly, Dufty, Peskin, Newsom

Resolution recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031221 [Proclaiming August 2003 as Child Support Awareness Month]
Supervisors Maxwell, Dufty, Newsom

Resolution proclaiming August 2003 as Child Support Awareness Month in the City and County of San Francisco.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031222 [Commending MSNBC]
Supervisors Ammiano, Peskin, Dufty

Resolution commending MSNBC for firing Michael Savage for anti-gay comments.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031223 [Recognize, commend and honor Enid Ng Lim]
Supervisors Dufty, Ma, Peskin, Newsom

Resolution to recognize, commend and honor Enid Ng Lim for her lifetime of civic and community service.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031224 [Honoring the 150th anniversary of the Archdiocese of San Francisco]
Supervisors Hall, Peskin, Newsom

Resolution commending and honoring the 150th anniversary of the Archdiocese of San Francisco on July 29, 2003.
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031225 [Apply For-State/Regional Grant]
Supervisor Ammiano

Resolution authorizing the City Administrator to apply for a grant in the amount of $864,000 from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.

(No Public Benefit Recipient.)
7/8/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031111 [Reauthorizing the Sales and Use Tax for Transportation]
Supervisors Daly, Gonzalez, Ammiano, Peskin, Dufty, Maxwell, Ma, Sandoval, McGoldrick

Resolution approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 of, and adding Section 1419 to, Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize implementation of a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements over the next 30 years and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent during implementation of the New Transportation Expenditure Plan and its updates; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed $1,880,000,000 and which is payable from the revenue generated hereunder; (5) approve the California Constitution Article XIII B Appropriations Limit of $485,175,000; (6) forbid the enjoining of collection of the tax; and (7) make recipient departments responsible for certifying that the tax revenues will not be substituted for property tax funds for existing programs.
7/8/03, SUBSTITUTED. Supervisor Daly submitted a substitute resolution bearing new title.
7/8/03, ASSIGNED to Finance and Audits Committee. Companion File 031201

Requests for Hearing

031205 [Juvenile Justice Advisory Committee]
Supervisor Gonzalez

Hearing requesting for the Juvenile Advisory Committee to present their findings.
7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

031206 [Community Land Trust Task Force]
Supervisor Gonzalez

Hearing to allow members of Community Land Trust Task Force, members of the San Francisco Community Land Trust Collaborative and other interested parties to present information on the community land trust model as a potential addition to the City's affordable housing strategy.
7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

31209 [Hearing - Ground Lease of Redevelopment Agency Land for Jordan Apartments]

Hearing of persons interested in or objecting to proposed resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for $1.00 per year plus $129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for $2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households. (Clerk of the Board)

7/8/03, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole August 12, 2003, at 3:00 p.m.

Motions

031191 [Needle Exchange Emergency]

Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

031201 [California Environmental Quality Act Findings]

Supervisor Daly

Motion adopting findings pursuant to the California Environmental Quality Act in connection with approval of a New Transportation Expenditure Plan and Sales Tax Reauthorization.

7/8/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the July 23, 2003 meeting.
Companion File 031111

031204 [Legislative Analyst Request]

Supervisor Gonzalez

Motion requesting the Legislative Analyst to describe current public restroom requirements for business of various sizes and uses for San Francisco and other major cities.

7/8/03, ASSIGNED to Board of Supervisors.

Charter Amendments

030681 **[Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]**
Supervisor Ammiano

Charter amendment (Fifth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

4/22/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/22/2003.

5/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE.

7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/03, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

030855 **[Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]**

Charter amendment (Second Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/03, CONTINUED AS AMENDED.

030857 **[Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]**
Supervisors Gonzalez, Sandoval

Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/03, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

PROPOSED RESOLUTIONS

031120 **[Contracting Out Airport Information Booth Services]**

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted. (Airport Commission)

(Public Benefit Recipient.)

6/20/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31121 [Contracting Out Shuttle Bus Service]

Resolution approving the Controller's certification that shuttle bus service for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees. (Airport Commission)

(Public Benefit Recipient.)
6/20/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031122 [Modification to the Professional Services Agreement for Construction Management Services for the AirTrain System at SFO]

Resolution approving Modification No. 8, the Close-out Modification, of Professional Services Agreement for Contract No. 5700CM – Construction Management Services for the AirTrain System with PGH Wong Engineering/Luster Construction Management, in the amount of $650,000, for a new total contract amount of $33,497,367. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)
6/20/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031123 [Explore the effects of antiretroviral therapy (HAART) on cancer incidence in persons with AIDS]
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept and expend retroactively a grant in the amount of $85,335 from the National Institute of Allergy and Infectious Diseases (NIAID), to explore the effect of highly active antiretroviral therapy (HAART) on cancer incidence in persons with AIDS and to enter into an agreement for the use of these funds; for the period of May 1, 2003, to October 31, 2004. (Public Health Department)

(No Public Benefit Recipient.)
6/19/03, RECEIVED AND ASSIGNED to City Services Committee.

031124 [Laundry Services At San Francisco General Hospital]

Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees.

(No Public Benefit Recipient.)
6/19/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031125 [Services for indigent patients at the S.F. General Hospital Trauma Center]
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of $587,034 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)
6/19/03, RECEIVED AND ASSIGNED to City Services Committee.

031165 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
38th Avenue and Irving Street, stopping Irving Street at 38th Avenue, making this an all-way STOP; 22nd Avenue and Ortega Street, stopping Ortega Street at 22nd Avenue, making this an all-way STOP; and 21st Avenue and Irving Street, stopping Irving Street at 21st Avenue, making this an all-way STOP. (Parking and Traffic Department)

(6/2703: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

031166 [Traffic Regulations, Various Streets]

Resolution enacting and rescinding traffic regulations on various streets.

LEFT LANE MUST TURN LEFT EXCEPT MUNI - ESTABLISH
19th Avenue, northbound, at Junipero Serra Boulevard.

ONE WAY STREET (NORTHBOUND) - ESTABLISH
Guttenberg Street, between Hanover and Mission Streets.

LEFT LANE MUST TURN LEFT - ESTABLISH
7th Avenue, northbound, at Lawton Street. (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

31167 **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

TAXI ZONE - ESTABLISH
4th Street, west side, from Minna Street to 150 feet southerly (150-foot Taxi Zone).

TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
4th Street, southbound, from 150 feet south of Minna Street to Howard Street.

TOUR BUS LOADING ZONE - ESTABLISH
Howard Street, north side, from 120 feet to 445 feet west of 4th Street (325-foot white zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 4th Street to 120 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 445 feet to 570 feet west of 4th Street (125-foot zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Minna Street, south side, from 4th Street to 615 feet westerly.

NO PARKING ANYTIME - REVOKE
Minna Street, south side, from 230 feet west of 4th Street to 385 feet westerly (385-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Turk Street, south side, from Divisadero Street to 95 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 7 AM - 9 PM, MONDAY THROUGH SUNDAY) - ESTABLISH
Shrader Street, both sides, between Haight and Page Streets.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
7th Avenue, east side, from 40 feet to 180 feet north of Lawton Street.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Funston Avenue, west side, between Clement Street and Geary Boulevard (300 block).

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
14th Avenue, east side, between Clement Street and Geary Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Cesar Chavez Street south side, from 200 feet to 295 feet east of Kansas Street (in front of 2323 Cesar Chavez Street); and
Cesar Chavez Street, south side, from 402 feet to 638 feet east of Kansas Street (in front of 2323 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Turk Street, north side, between Buchanan and Laguna Streets;
Laguna Street, west side, between Eddy and Turk Streets;
Eddy Street, both sides, between Buchanan and Laguna Streets; and
Larch Way, both sides, between Buchanan and Laguna Streets.
Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH
2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street (approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and
Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH
Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH
Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces perpendicular to terminus). (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

031168 **[Develop placement alternatives for African-American individuals residing in Institutions for Mental Disease]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, Behavioral Health Services (SFDPH, BHS) to accept and expend retroactively a grant in the amount of $399,444 from the California Department of Mental Health (CDMH) to develop model strategies and protocols for African-Americans institutionalized for mental disease; for the period of June 16, 2003, to June 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the June 26, 2003 meeting.

031169 **[Reimbursable Professional Services Agreement with Siemens Dematic Group]**

Resolution approving the Reimbursable Professional Services Agreement with Siemens Dematic Group for the project management and construction management services in the estimated amount of $2,160,000. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031170 **[Airport Lease with U.S. Government for office space]**

Resolution approving a Lease with the U.S. Government for office space to be occupied by the Transportation Security Administration at the International Terminal. (Airport Commission)

(Public Benefit Recipient.)
6/27/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

In Memoriams

Richard Iglehart (Supervisor Dufty)
Mary Louise McGinty (Supervisor Dufty)
Helen E. Leggo (Supervisor Dufty)
Benjamin J. Baum (Supervisor Dufty)
William Lewis "Red" Slissman (Supervisor Dufty)
Ken Glenn Hoover (Supervisor Dufty)
Simine D. Mozaffarian (Supervisor Newsom)
John Patrick Whooley (Supervisor Newsom)
Sam Jordan (Supervisors Maxwell, Newsom)
Scott E. Adsit (Entire Board)

ADJOURNMENT

There being no further business, the Board at the hour of 6:45 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 19, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, July 15, 2003 2:00 PM

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Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 25

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:00 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Ammiano, Hall, Ma, Newsom - 4

Quorum present.

Supervisors Ammiano, Hall, Ma, and Newsom were noted present at 2:03 p.m.

AGENDA CHANGES

Supervisor Daly requested that File Nos. 030786, 030787, 030788, 030791, 031183 and 031184 to be heard out of order.

CONSENT AGENDA

Recommendations of Finance and Audits Committee

030884 **[Lease of Real Property]**
Resolution authorizing a lease renewal at 44 Gough Street for the Department of Human Resources. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 462-03
ADOPTED

031017 **[Lease of Real Property]**
Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years. (Real Estate Department)

(No fiscal impact; Public Benefit Recipient.)

Resolution No. 467-03
ADOPTED

031018 **[Lease of Real Property]**

Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 468-03
ADOPTED

031120 **[Contracting Out Airport Information Booth Services]**

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 470-03
ADOPTED

031121 **[Contracting Out Shuttle Bus Service]**

Resolution approving the Controller's certification that shuttle bus service for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 471-03
ADOPTED

031122 **[Modification to the Professional Services Agreement for Construction Management Services for the AirTrain System at SFO]**

Resolution approving Modification No. 8, the Close-out Modification, of Professional Services Agreement for Contract No. 5700CM – Construction Management Services for the AirTrain System with PGH Wong Engineering/Luster Construction Management, in the amount of $650,000, for a new total contract amount of $33,497,367. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 472-03
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget Committee

030803 **[Appropriation - $6,000,000 for the Public Education Programs]**
Supervisors Daly, Ma, Dufty

Ordinance appropriating $2,000,000 of Delinquent Payroll Tax Revenue and $4,000,000 from the State Revenue Stabilization Reserve for a total of $6,000,000 for public education programs for fiscal year 2002-03.

(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)

TABLED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030916 **[Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]**
Supervisors Peskin, Daly

Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.

Ordinance No. 185-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030980 **[Establishing an Administrative Services Vehicle Leasing Program Fund]**
Mayor, Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund. (Mayor)

Ordinance No. 186-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030982 **[Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]**
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.41, to authorize the Controller to collect a fee of $40 for issuing a property tax certificate under Government Code Section 66492 and a fee of $20.00 for issuing a replacement W-2 form. (Mayor)

Ordinance No. 188-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030986 **[Patient Rates, Fiscal Year 2003-04]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003. (Mayor)

Ordinance No. 189-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**
Mayor

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

(Supervisor Peskin dissenting in Committee.)

Supervisor Sandoval, seconded by Supervisor Daly, moved an amendment of the whole.

Motion failed by the following vote:
Ayes: 5 - Daly, Dufty, Gonzalez, Maxwell, Sandoval
Noes: 6 - Ammiano, Hall, Ma, McGoldrick, Newsom, Peskin

Supervisor Maxwell, seconded by Sandoval, moved amendment of the whole as further amended.
Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 6 - Daly, Dufty, Gonzalez, Ma, Maxwell, Sandoval
Noes: 5 - Ammiano, Hall, McGoldrick, Newsom, Peskin

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Daly, Dufty, Gonzalez, Ma, Maxwell, Sandoval
Noes: 5 - Ammiano, Hall, McGoldrick, Newsom, Peskin

030988 **[Setting Administrative Fee for Tow of Vehicles]**
Mayor

Ordinance approving administrative fee of $194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles. (Mayor)

Ordinance No. 190-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030992 **[Amending Administrative Code Section 10.100-218.]**
Mayor

Ordinance amending Administrative Code Section 10.100-218 to (1) permit unencumbered tobacco settlement revenues received by the City and deposited into the Tobacco Settlement Revenue Sub-account prior to the date of issuance of the City's bonded indebtedness authorized by the voters pursuant to Proposition A of November of 1999 to be used for a transfer to the General Fund in fiscal year 2003-2004 for the payment of certain Department of Public Health expenses and (2) provide a guarantee of payment from the City's General Fund in the event that less than $100,000,000 of tobacco settlement revenues are available to be expended on the Laguna Honda Hospital reconstruction project. (Mayor)

Ordinance No. 191-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the Budget Committee "Without Recommendation"

030981 **[Increasing the Emergency Response Fee imposed on telephone subscribers]**
Mayor

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber. (Mayor)

Ordinance No. 187-03
FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Newsom
Noes: 4 - Gonzalez, McGoldrick, Peskin, Sandoval

Recommendations of the Land Use Committee

021586 **[Acceptance of Street for Maintenance Purposes]**
Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations, pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794. (Public Works Department)

(No fiscal impact; No Public Benefit Recipient.)

Ordinance No. 182-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030678 **[Prohibiting subsurface development on property adjacent to the Embarcadero, owned by the City and dedicated as open space]**
Supervisor Peskin

Ordinance prohibiting subsurface development on certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, and a portion of Block 203, Lot 14, partial jurisdiction over which has previously been transferred from the Department of Public Works to the Recreation and Park Commission, and transferring to the Recreation and Park Commission the subsurface area of property previously transferred.

Ordinance No. 184-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Rules Committee

030652 **[Amendments to the Municipal Elections Code]**
Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

Ordinance No. 183-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030994 **[Filing Electronic Copies of Campaign Statements]**
Supervisor Ammiano

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from $10 per day to $25 per day.

Ordinance No. 192-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030740 [Amending Rule 4.29 at Board of Supervisors meetings]
Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recess

The Board recessed at the hour of 9:02 p.m.

Reconvening of the Board

The Board at the hour of 9:19 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin - 10

Quorum present.

Supervisor Sandoval noted present at 9:22 p.m.

031101 [Adding Rule 1.10 to the Rules of Order]
Supervisors Gonzalez, Dufty, Newsom, Peskin

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.

(No fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030632 **[Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]**
Supervisor Newsom

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

(No fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

020938 **[Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**
Supervisors Ammiano, Gonzalez, Newsom, Dufty, Hall, Sandoval

Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

ORDERED SUBMITTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030812 **[Charter Amendment - Designating the Controller as City Services Auditor]**
Supervisors McGoldrick, Peskin, Ma, Dufty, Maxwell, Sandoval, Hall

Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

ORDERED SUBMITTED by the following vote:
Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Daly

030741 **[Charter Amendment - Commission on the Environment]**
Supervisors Maxwell, Gonzalez, Sandoval

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the Rules Committee With Recommendation "Do Not Submit"

030865 **[Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]**
Supervisor Daly

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 3 - Daly, Gonzalez, Peskin
Noes: 8 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Sandoval

030866 **[Charter Amendment - Establishing an Elected Rent Board]**
Supervisor Daly

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

Continued to July 22, 2003

Supervisor Daly, seconded by Supervisor Sandoval, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the Rules Committee "Without Recommendation"

030859 **[Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]**
Supervisors Ammiano, McGoldrick, Gonzalez

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109. 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

(Supervisor Hall dissenting in Committee.)

Supervisor Dufty, seconded by Supervisor Newsom, moved an amendment of the whole.
Motion failed by the following vote:
Ayes: 5 - Dufty, Hall, Ma, Newsom, Peskin
Noes: 6 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Sandoval

ORDERED SUBMITTED by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Hall, Ma, Newsom

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

030848 [General Assistance-In-kind Assistance]
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

REFERRED to the Finance and Audits Committee by the following vote:
Ayes: 6 - Dufty, Hall, Ma, Newsom, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick

030871 [General Assistance - In- Kind Assistance]
Supervisors Daly, Ma, Maxwell

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

Supervisor Peskin requested to hear File No. 030871 out of order.

Ordinance No. 193-03

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Dufty, Hall, McGoldrick, Newsom

NEW BUSINESS

Recommendations of the Budget Committee

030786 [Annual Budget, Fiscal Year 2003-04]
Motion approving Annual Budget for City and County of San Francisco for Fiscal Year 2003-2004. (Mayor)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Combined with File No. 030791

Supervisor Daly, seconded by Supervisor Peskin, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030787 **[Government Funding, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

(Charter Section 9.100 provides the Board shall not adodpt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Supervisor Daly, seconded by Supervisor Peskin, moved an amendment of the whole.

Motion carried by the following vote;
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Peskin, seconded by Supervisor Daly, moved to further amend to remove $15,000 placed on reserve on the Mayor's Criminal Justice Department's budget.

Motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Combined with File No. 031183

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030788 **[Public Employment, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Combined with File No. 031184

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Newsom

Recommendations of the Finance and Audits Committee

021948 [Repealing Police Code Section 162 - Regulating Fortunetellers]
Supervisors Peskin, Ma

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and licensing fees.

(Supervisor Sandoval dissenting in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 3 - Dufty, Hall, Sandoval

030379 [CEQA Findings for Cruise Terminal Mixed-Use Project]

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including a statement of overriding considerations, in connection with the proposed mixed-use Cruise Terminal Project, located on Pier 30-32, a condominium tower on a portion of Seawall Lot 330, and a public open space project in the location of Pier 34 and 36, in the Port of San Francisco, City and County of San Francisco. (Port)

Resolution No. 461-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]

Ordinance appropriating $9,324,000 in sales proceeds from the Seawall Lot 330 and $20,376,000 from the condo sales proceeds for a total of $29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing $29,700,000 on reserve by the Finance and Audits Committee. (Port)

Supervisor Peskin, seconded by Supervisor Daly, moved an amendment of the whole.
AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Ordinance appropriating funds payable to the Port of San Francisco from the sale and development of land located at the corner of Beale and Bryant Streets on Seawall Lot 330 towards costs of the Brannan Street Wharf and Piers 30-32 Cruise Terminal Project and authorizing expenditure of such funds in accordance with certain contractual agreements and placing funds on reserve. (Port)

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030371 **[Agreement to Sell approximately 22,600 sq. ft. of unimproved real property located at Beale and Bryant Streets and to Lease Piers 30-32 to San Francisco Cruise Terminal, LLC]**

Resolution approving and authorizing an Agreement with San Francisco Cruise Terminal, LLC for the Sale of approximately 22,000 square feet of real property located at the corner of Beale and Bryant Streets on Seawall Lot 330; approving and authorizing a 66-year Lease with San Francisco Cruise Terminal, LLC for Piers 30-32; adopting findings that the conveyance is consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1; authorizing expenditure of proceeds received under the Sale Agreement towards costs of the Brannan Street Wharf and Piers 30-32 Cruise Terminal Project; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Port)

(Public Benefit Recipient; companion measure to File 030379.)

Resolution No. 460-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030633 **[Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment]**

Supervisor Peskin

Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031050 **[Purchase of Property located at 201 Leland Avenue, San Francisco for the Public Library]**

Mayor, Supervisors Peskin, Sandoval, Newsom

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate for the City purchase of real property and improvements located at 201 Leland Avenue, San Francisco subject to a short term lease with the Seller, for use as the Visitacion Valley Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Mayor)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 469-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Land Use Committee

030040 **[Planning Code Section 249.24 - Jackson Square Special Use District]**
Supervisors Peskin, Newsom

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030909 **[Street Artist Space Regulations]**

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations. (Arts Commission)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031019 **[Mission Bay 16th/7th Street Jack and Bore Casing Improvements]**

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030940 **[Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]**

Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2) within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of the easement areas; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting DPW Order No. 174,111; and authorizing other official acts in connection with this Resolution. (Public Works Department)

Resolution No. 465-03

ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030947 **[Mission Bay Street Vacation a portion of Berry Street at Sixth Street]**

Resolution declaring the intention of the Board of Supervisors to vacate a portion of Berry Street at Sixth Street within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of said street area; and adopting findings that the proposed vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1 and the Mission Bay North Redevelopment Plan. (Public Works Department)

No Public Benefit Recipient; DPW Order No. 174,110.)

Resolution No. 466-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030197 **[Supporting Senate Bill 915 and Senate Bill 916]**

Supervisors Newsom, Peskin, Sandoval

Resolution supporting Senate Bill 915 and Senate Bill 916, approving the Water Transit Authority's Implementation and Operations Plan, supporting allocation of new bridge toll revenue for the Port of San Francisco's downtown ferry facilities, and adopting a position supporting proposed amendments to Senate Bill 916 for the City and County of San Francisco.

Amended on page 3, line, 6, after "(2)" by inserting "in order to identify that this is a single project".

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution No. 459-03

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the Land Use Committee "Without Recommendation"

031186 **[Support Senate Bill 915]**

Supervisors Newsom, Peskin

Resolution supporting Senate Bill 915, approving the Water Transit Authority's Implementation and Operations Plan.

Supervisor Newsom, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]
Supervisor Ammiano

Charter amendment (Fifth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

The President inquired if there was anyone present who wished to address the Board.
Supervisor Dufty, seconded by Supervisors Newsom and Hall, called for the question.
Motion failed by the following motion:

Ayes: 5 - Ammiano, Dufty, Hall, Maxwell, Newsom
Noes: 5 - Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Absent: 1 - Ma

Supervisor Daly, seconded by McGoldrick, moved to further amend on pages 7 and 8, to insert in front of the word "crime" to insert the word "felony" and (A) to replace "Mayor" with "an appointing officer"; inserting "(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal."; insert "(B) For the purposes of this subsection, the Mayor shall act as the appointing authority for any elective official."; (i) after "moral turpitude" by inserting "and"; on page 8, (i) after "moral turpitude" by inserting "and"; (ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal."

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin
Noes: 5 - Dufty, Hall, Ma, Newsom, Sandoval

Charter amendment (Sixth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

Continue to July 22, 2003 with the Board Sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]

Charter amendment (Third Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

The President inquired if there was anyone present who wished to address the Board.

ORDERED SUBMITTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030857 **[Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]**

Supervisors Gonzalez, Sandoval

Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

Supervisor Hall, seconded by Supervisor Daly, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano, assumed the Chair.

Supervisor Gonzalez noted present at 4:52 p.m.
Supervisor Ammiano noted absent at 4:53 p.m.
Supervisor Ammiano noted present at 4:57 p.m.
Supervisor Newsom noted absent at 4:57 p.m.
Supervisor Dufty noted absent at 5:00 p.m.
Supervisor Dufty noted present at 5:09 p.m.
Supervisor Daly noted absent at 5:10 p.m.
Supervisor Newsom noted present at 5:13 p.m.
Supervisor Daly noted present at 5:15 p.m.

030896 [Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]

Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3).

(Appeal filed May 14, 2003 by Preseve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coaltion for SF Neighborhoods; Planning Case No. 2002.0418E.)

Mr. Bill Yeats on behalf of the Preserve Our Neighborhood, Appellant
Bud Wilson, Appellant

Dave Pischoff, support of appellant
Rondal Chum, Lakeshore Acres
Judy Berkowitz, SF Neighborhoods
Female Speaker, support of appellant
Joan Girarda, SF Neighborhoods Council, Marina Association
Marilyn Mamino, support of appellant
Lynn Mintz, SF Neighborhoods, support of appellant
Dorothy Curtis, Merced Manor, support of appellant
Bernard Crottie, Merced Manor,support of appellant
Karen Niglio, Merced Manor, support of appellant
Male Speaker, Merced Manor, Preserve our Neighborhoods, support of appellant
Barbara Austin, Francisco Heights, support of appellant
Maria Souza, Member of the Richmond District Planning Association, support of appellant
Don Harnes, Merced Manor, support of appellant
Dick Allen, Member of Golden Gate Heights Association
Harold Hiroshikado, support of appellant
Dan Lieberson, SF Miraloma Improvements Club, support of appellant
Tony Sacco, Outer Mission Terrace Association, support of appellant
Barbara, President of SF Coalition for SF Neighborhoods
Eileen Volken, SF Parkside Action
Francisco Di Costa, support of appellant
Anne Marie Conroy, Preserve Our Neighborhoods, support of appellant
Richard, support of appellant
Doug Comstock, support of appellant
Mary Anne Woods, support of appellant
Jose Morales, support of appellant
Linda Chapman, support of appellant

Gerald Green, Director of the Department of Planning and Lisa Gibson, Environmental Division of Department of Planning reviewed with the Board the Planning Commission's recommendations.

Board Members reviewed and discussed issues with representatives of the Planning Department and the Deputy City Attorney.

Kate White, support of Planning Department's decision and sponsor
Jeffrey Chong, support of Planning Department's decision and sponsor
Jessie Laurentz, People with Disabilities, support of Planning Department's decision and sponsor
Ernestine Wiess, support of Planning Department's decision and sponsor
Vernon Jenkins, support of Planning Department's decision and sponsor
Shannon Dodge, support of Planning Department's decision and sponsor
Female Speaker, support of Planning Department's decision and sponsor

A rebuttal period was allowed.

Mr. Bill Yeats, support of appellants

The President inquired if there was anyone present who wished to address the Board.

There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

030897 **[Affirming the exemption/exclusion issued for Secondary Unit Ordinance]**
Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M03-110

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin
Noes: 5 - Hall, Ma, McGoldrick, Newsom, Sandoval

030898 **[Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]**
Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin
Noes: 5 - Hall, Ma, McGoldrick, Newsom, Sandoval

030899 **[Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act. (Clerk of the Board)

Motion No. M03-111

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Supervisor Newsom noted absent at 7:55 p.m.
Supervisor Newsom noted present at 8:15 p.m.
Supervisor McGoldrick noted absent at 8:22 p.m.
Supervisor McGoldrick noted present at 8:35 p.m.

031134 **[Public Hearing - Appeal, Conditional Use, 270-284 Valencia Street/17 Brosnan Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16579 dated May 15, 2003, approving Conditional Use Application No. 2002.0333C approving a conditional use authorization under (1) Planning Code Section 215, allowing the construction of 28 dwelling units in a C-M District; (2) Under Board of Supervisors' Resolution 500-02, allowing the construction of a housing project fewer than 25-percent below market rate units and; (3) Board of Supervisors' Resolution 500-02, allowing the demolition of a building in the Northeast Mission Industrial Zone that has contained Production, Distribution and Repair (PDR) businesses since August 5, 1999, on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets; Lot 9, in Assessor's Block 3533.

(Appeal filed June 24, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to Negative Declaration adopted and issued on January 16, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 [Determining Significant Effect], 15065 [Mandatory Findings of Significance], and 15070 [Decision to Prepare a Negative Declaration]; companion measure to Files 031135, 031136, 031137, 031138; District 6.)

David Ortega, Appellant
Male Speaker, support of appellant
Ms. Terry, resident of Brosnan Street, support of appellant
Male Speaker, support of appellant
Alexandra Quantino, support of appellant
Connie Pang, Brosnan Street resident, support of appellant

Gerald Green, Director of the Department of Planning reviewed with the Board the Planning Commission's decision.

Brian Spiers. Project Sponsor
John Goldman, Architect for project sponsor
Philip Lesser, Mission Merchants Association, support of project sponsor
Dennis Carlin, support of project sponsor
Robert Dreshner, Carpenter's Union, support of project sponsor
Victor Quan, support of project sponsor
Jose Morales, general remarks housing issues

Board Members reviewed and discussed issues with representatives of the Planning Department and the Deputy City Attorney.

A rebuttal period was allowed.
David Ortega, Appellant

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

031135 **[Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]**

Motion approving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-113

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031136 **[Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor McGoldrick, moved to amend the Planning Department's decision. Motion failed by the following vote:
Ayes: 1 - Daly
Noes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031128 **[Environmental Review - 270-284 Valencia Street/17 Brosnan Street]**

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property 270-284 Valencia Street/17 Brosnan Street. (Clerk of the Board)

Motion No. M03-112

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031137 **[Findings - 270-284 Valencia Street/17 Brosnan Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-114

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

COMMITTEE REPORTS

From the Budget Committee

030791 **[Budget Hearing and Review, FY 2003-04]**

Motion approving the Annual Budget for San Francisco Airport for Fiscal Year 2003-2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Combined with File No. 030786

Supervisor Daly, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031183 **[Government Funding-SF Airport, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the San Francisco Airport for fiscal year ending June 30, 2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Combined with File No. 030787

Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031184 **[Public Employment-SF Airport, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the San Francisco Airport for Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Combined with File No. 030788

Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030903 **[IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]**
Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of $56,318,103.

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 463-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030904 **[Child Care Services Contract Approval - Children's Council of San Francisco]**
Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of $104,579,925.

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 464-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the Rules Committee

031185 **[Appointment]**
Resolution appointing Phyllis Smith, term ending November 30, 2004, to the Ballot Simplification Committee.

Phyllis Smith, succeeding Allyson Washburn, term expired, seat 3, must represent the League of Women Voters for the unexpired portion of a two year term ending November 30, 2004.

Resolution No. 473-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues
Daryl Fisher; File 031182

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031204 **[Legislative Analyst Request]**
Supervisor Gonzalez

Motion requesting the Legislative Analyst to describe current public restroom requirements for business of various sizes and uses for San Francisco and other major cities.

APPROVED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From the City Services Committee "Without Recommendation"

030737 **[Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]**
Supervisors McGoldrick, Daly

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

CLOSED SESSION

City as Defendant

031172 [Closed Session - Anticipated Litigation As Defendant]
Supervisor McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney that, based on existing facts and circumstances, there is significant exposure to litigation against the City (City anticipated to be a defendant) regarding the proposed ordinance to preserve the emergency nature of the City's shelter system, to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

This closed session would be permitted by Government Code Section 54956.9(b) (1), and San Francisco Administrative Code Section 67.10(d) (2), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City if litigation is filed.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Litigation be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Items 70 through 81

031216 [Authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds]
Supervisors Gonzalez, Dufty

Resolution authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.

Resolution No. 474-03
ADOPTED

031217 [Urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33]
Supervisor Hall

Resolution urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33 during the seismic retrofitting of Station 33 as well as assuring the residents of the re-opening of the station after the retrofit.

Resolution No. 482-03
ADOPTED

031219 [Urging San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33]
Supervisors Sandoval, Gonzalez, McGoldrick, Ammiano, Peskin

Resolution urging the San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33.

Resolution No. 484-03
ADOPTED

031220 [Recognizing the Vietnamese Heritage and Freedom Flag]
Supervisors Ma, Daly, Dufty, Peskin, Newsom

Resolution recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community.

ADOPTED

031221 [Proclaiming August 2003 as Child Support Awareness Month]
Supervisors Maxwell, Dufty, Newsom

Resolution proclaiming August 2003 as Child Support Awareness Month in the City and County of San Francisco.

Resolution No. 475-03
ADOPTED

031222 [Commending MSNBC]
Supervisors Ammiano, Peskin, Dufty

Resolution commending MSNBC for firing Michael Savage for anti-gay comments.

Resolution No. 476-03
ADOPTED

031223 [Recognize, commend and honor Enid Ng Lim]
Supervisors Dufty, Ma, Peskin, Newsom

Resolution to recognize, commend and honor Enid Ng Lim for her lifetime of civic and community service.

Resolution No. 477-03
ADOPTED

031224 **[Honoring the 150th anniversary of the Archdiocese of San Francisco]**
Supervisors Hall, Peskin, Newsom

Resolution commending and honoring the 150th anniversary of the Archdiocese of San Francisco on July 29, 2003.

Resolution No. 478-03
ADOPTED

031225 **[Apply For-State/Regional Grant]**
Supervisor Ammiano

Resolution authorizing the City Administrator to apply for a grant in the amount of $864,000 from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.

(No Public Benefit Recipient.)

Resolution No. 479-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Severed From Without Committee Reference Agenda

Supervisor Daly requested that this matter be severed so that it could be considered separately.
Supervisor Peskin requested to vote on File No. 031218 (Item No. 73) before File Nos. 030379, 031229 and 030371(Item Nos. 34, 35, 36)

031218 **[Supporting Assembly Bills 906, 121, and 471 to prohibit cruise ships pollution]**
Supervisors Daly, Peskin, McGoldrick

Resolution supporting Assembly Bills 906, 121 and 471 to prohibit cruise ship pollution in California.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Comment closed.

Resolution No. 483-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Sandoval requested that this matter be severed so that it could be considered separately.

031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]
Supervisors Sandoval, Daly, Peskin

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]

Continued to July 22, 2003

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it could be considered separately.

031157 [Port Management Audit]
Supervisors Daly, Peskin

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

[No fiscal impact.]

Motion No. M03-115

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

PROPOSED ORDINANCES

Introduced by Supervisors or Mayor

Ordinances

031238 [Establishing a Department of Human Services Care Fund]
Supervisors Hall, Newsom, Peskin

Draft ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, appropriating funds to the Fund, making it City policy to appropriate funds in the future, limiting the uses of the Fund, and providing for appropriations from the Fund in excess of a set cap.

(Fiscal impact.)
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031239 [Amending Planning Code Re: CUAs for 50,000 Square Foot Plus Retail Uses]
Supervisor Gonzalez

Ordinance adding section 121.5 of the Planning Code and amending sections 218, 814.31, 815.31, 816.31, 817.31, and 818.31 of the Planning Code to require that all retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as a conditional use, providing additional criteria for the Planning Commission's review of such conditional use applications, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
7/15/03, RECEIVED AND ASSIGNED to Land Use Committee.

031240 [Establishing Cash for Care Special Account]
Supervisor McGoldrick

Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.

(Fiscal impact.)
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031241 [Expanding Eligibility to Participate in Annual Joint Fundraising Drive]
Supervisor McGoldrick

Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031242 [Participation in the Supportive Transitional Emancipation Program for foster youth]
Supervisor Daly

Ordinance adding Article III to Chapter 20 of the San Francisco Administrative Code to establish participation in the Supportive Transitional Emancipation Program (STEP), in which eligible foster youth may receive financial support while participating in an educational or training program, or any activity consistent with their transitional independent living plan up to 21 years of age pursuant to section 11403.1 of the Welfare and Institutions Code.
7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

031244 [Glen Park Branch Library]
Supervisor Dufty

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031245 **[Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]**
Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision. (Mayor)
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

020061 **[Banner Regulations]**
Supervisor Newsom

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.
1/14/02, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 2/13/2002.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. new committee structure, 2/1/02.

7/2/02, TRANSFERRED to Neighborhood Services and Recreation Committee.

1/31/03, REFERRED TO DEPARTMENT. Referred to the Planning Department for Environmental Review.

2/12/03, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion from Environmental Review received from the Planning Department.

2/13/03, TRANSFERRED to City Services Committee. New committee structure.

7/15/03, SUBSTITUTED. Supervisor Newsom submitted a substitute ordinance bearing new title.

7/15/03, ASSIGNED to City Services Committee.

Resolutions

031237 **[Implement Regulations for Section 17001.51 of the California Welfare and Institutions Code and Residency Requirements]**
Supervisors Hall, Newsom

Resolution urging the Department of Human Services to implement regulations for Section 17001.51 of the California Welfare and Institutions Code, which allows for the screening of alcohol and substance abuse, urging the Department to implement regulations strengthening the residency requirements for GA, CALM, PAES, and SSIP recipients, and urging the Department to hold hearings with the Human Services Commission before implementing these new regulations.
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031243 **[Contingency Fee Agreement]**
Supervisor Peskin

Resolution approving and authorizing a contingency fee agreement between the City and a law firm selected by the City Attorney, in connection with the litigation initiated by the City Attorney against Scott Company of California and related entities over construction projects at the San Francisco International Airport.

(Fiscal impact.)
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031251 **[Commending Holt A. Cheng, MD]**
Supervisor Ma

Resolution commending Holt A. Cheng, MD for his lifelong dedication and commitment to medical education and for his related work in the medical field.
7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031252 **[San Francisco Liberation Radio 93.7 FM and diversity in media ownership]**
Supervisors Gonzalez, Daly, Dufty, Ammiano, Peskin, Maxwell

Resolution supporting San Francisco Liberation Radio 93.7 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.
7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

031246 **[HIV Prevention - how to best educate and empower those under 30]**
Supervisor Dufty

Hearing on San Francisco's HIV Prevention programs and model. Past safer sex campaigns may need updating and new approaches for individuals under 30. This hearing is to give younger individuals the opportunity to offer ideas and input to help reinvent HIV Prevention as needed.
7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

031247 **[Current roles of S.F. Commissions involved in youth-related issues]**
Supervisors Ma, Daly

Hearing to review the current roles of San Francisco commissions which are involved in youth-related issues and to make recommendations for their future roles. The commissions shall include, but not be limited to, the Youth Commission, Children & Families Commission, Health Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Recreation and Parks Commission, Commission on the Status of Women, and the Delinquency Prevention Commission.
7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

031248 **[San Francisco Liberation Radio]**
Supervisors McGoldrick, Dufty

Hearing to inquire into enforcement actions against San Francisco Liberation Radio by the Federal Communications Commission at a time when the FCC also is exempting large corporations from rules designed to maintain diversity in the media.
7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

031249 **[Cruise Terminal at Piers 30-32]**
Supervisor Sandoval

Hearing regarding the fiscal implications and budgetary constraints of establishing shore side power hook-ups and alternative fuel technologies related to the cruise terminal at Piers 30-32.
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

Motion

031191 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031177 **[Settlement of Lawsuit - John Eiler]**
Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for $300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)
7/3/03, RECEIVED AND ASSIGNED to Rules Committee.

031179 **[Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]**

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed $155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years. (City Attorney)

(Public Benefit Recipient.)
7/7/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

031176 **[Reduce sexual risk for HIV transmission in substance using men who have sex with men]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $127,961 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 1, 2002, to August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)
7/1/03, RECEIVED AND ASSIGNED to City Services Committee.

031178 **[Renew Revolving Loan Funds Agreement with State]**
Supervisor Dufty

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

(No Public Benefit Recipient.)
7/3/03, RECEIVED AND ASSIGNED to City Services Committee.

031180 **[Collaborative research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients, year 2]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $71,992 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the second year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No Public Benefit Recipient.)
7/7/03, RECEIVED AND ASSIGNED to City Services Committee.

031181 **[Emergency Repair, 30 Van Ness Avenue Roof Replacement]**
Resolution concurring with and supporting the Director of the Department of Real Estate's finding and declaration of an emergency; urging the Departments of Real Estate and Public Works to take necessary measures in the most expeditious manner to protect the safety, health, welfare, and property of the citizens and employees of the City and County of San Francisco with regard to the severe leakage and drainage problems caused by the failing roof at 30 Van Ness Avenue, at an estimated cost of $1.1 million for a new roof. (Public Works Department)

(Fiscal impact; No Public Benefit Recipient.)
7/7/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031182 **[Grants Federal Funds - Municipal Railway]**
Supervisor Dufty

Resolution authorizing the Municipal Transportation Agency (MTA) Board of Directors to accept and expend $990,029 of Federal Earmarked Capital Assistance for Design and Construction of Muni's Central Control Facility. (Municipal Transportation Agency)
7/7/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Gonzalez
To: City Attorney
Requesting/Inquiring: To draft legislation to repeal Police Code Sections 120, 120-1, and 121.

In Memoriam

Marvin Ruiz (Supervisor Ammiano)
Steve Merlo (Supervisor Dufty)
Francisco Pedro "Peter" Gomes (Supervisor Dufty)
Robert J. Conley (Supervisor Dufty)
Ronald C. Fahey (Supervisor Dufty)
M. Jane (Wynne) Flaherty (Supervisor Dufty)
Larry Ching (Supervisor Ma)
Scott Adsit (Supervisor Newsom)

ADJOURNMENT

There being no further business, the Board at the hour of 1:00 a.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 19, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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7/22/03
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Tuesday, July 22, 2003 2:00 PM

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San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 26

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Ammiano, Dufty, Maxwell, McGoldrick - 4

Quorum present.

Supervisors Maxwell, Ammiano were noted present at 2:12 p.m.
Supervisor McGoldrick noted present at 2:14 p.m.
Supervisor Dufty noted present at 2:15 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Maxwell, moved to approved June 10, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Dufty, Hall

CONSENT AGENDA

Recommendations of the Rules Committee

030955 **[Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of $2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

PASSED, ON FIRST READING

031080 **[Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]**
Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for $145,000.00 in attorney's fees and $4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031081 **[Settlement of Lawsuit - Mesha Irizarry]**
Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for $500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

Recommendation of Finance and Audits Committee

031095 **[Contract Prop J: Facility Security Services]**
Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.

(Public Benefit Recipient.) [No fiscal impact.]

Resolution No. 487-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Dufty, Hall

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget Committee

Supervisor Hall noted absent at 2:12 p.m.

030787 **[Government Funding, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

(Charter Section 9.100 provides the Board shall not adodpt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Ordinance No. 194-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Dufty, Hall

030788 **[Public Employment, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

Ordinance No. 195-03

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Newsom
Absent: 2 - Dufty, Hall

030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**
Mayor

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

Continued to July 29, 2003

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Daly, Maxwell

From the City Services Committee "Without Recommendation"

030737 **[Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]**
Supervisors McGoldrick, Daly

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

Ordinance No. 198-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

021948 [Repealing Police Code Section 162 - Regulating Fortunetellers]
Supervisors Peskin, Ma

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and licensing fees.

(Supervisor Sandoval dissenting in Committee.)

Ordinance No. 196-03
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 3 - Dufty, Hall, Sandoval

030633 [Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment]
Supervisor Peskin

Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

Supervisor Hall, seconded by Supervisor Dufty, requested to rescind the previous vote.

Motion carried without objection.
Ordinance No. 197-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]
Ordinance appropriating $9,324,000 in sales proceeds from the Seawall Lot 330 and $20,376,000 from the condo sales proceeds for a total of $29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing $29,700,000 on reserve by the Finance and Audits Committee. (Port)

Ordinance No. 202-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Land Use Committee

030040 **[Planning Code Section 249.24 - Jackson Square Special Use District]**
Supervisors Peskin, Newsom

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

Ordinance No. 203-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030909 **[Street Artist Space Regulations]**
Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations. (Arts Commission)

Ordinance No. 199-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031019 **[Mission Bay 16th/7th Street Jack and Bore Casing Improvements]**
Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

Ordinance No. 201-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Rules Committee

030866 **[Charter Amendment - Establishing an Elected Rent Board]**
Supervisor Daly

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 3 - Ammiano, Daly, Gonzalez
Noes: 8 - Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030740 [Amending Rule 4.29 at Board of Supervisors meetings]
Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

Motion No. M03-124

APPROVED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

031102 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031115 [PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030505 **[Outreach Advertising]**
Supervisor Ma

Resolution designating the Asian Week, the China Press, the World Journal and the Chinese Times to be outreach newspapers of the City and County of San Francisco for the Chinese community; El Reportero, El Latino and El Mensajero to be outreach newspapers of the City and County of San Francisco for the Hispanic community; the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Lesbian/Gay/Bisexual/Transgender community; and the San Francisco Bay View to be outreach newspaper of the City and County of San Francisco for the African American community, for outreach advertising for the fiscal year commencing July 1, 2003 and ending June 30, 2004. (Purchaser)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 486-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031124 **[Laundry Services At San Francisco General Hospital]**
Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees.

(No Public Benefit Recipient.)

Resolution No. 488-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

030851 **[Contract - Department of the Environment and PG&E]**
Mayor, Supervisor Gonzalez

Resolution pursuant to Charter section 9.118(a) authorizing the Department of the Environment to enter into a contract for up to $1,560,000 with Pacific, Gas and Electric Company ("PG&E") to implement a Demand Reduction Through Energy Efficiency Pilot Program in the City and County of San Francisco.

Resolution No. 481-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

Recommendations of the Land Use Committee

030351 [Planning Code Section 312 - Retail coffee store or pharmaceutical and personal toiletries use]
Supervisors Gonzalez, Daly, Hall

Ordinance amending Planning Code Section 312 to require that a change in use to a retail coffee store, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(Certificate of Determination of Exemption/Exclusion from Environmental Review dated 5/23/03; Planning Commission Resolution No. 16594, adopted June 5, 2003, recommending approval.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

030998 [Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap]
Supervisor Hall

Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

Recommendations of the Rules Committee

031153 [Establishing a Construction Risk Management Committee]
Supervisor Dufty

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

031114 [Amending Rule 4.29 of the Rules of Order]
Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

(No fiscal impact.)

Motion No. M03-122
APPROVED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

030681 **[Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]**
Supervisor Ammiano

Charter amendment (Sixth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ma

SPECIAL ORDER 3:00 P.M.

030956 **[Public Hearing - Appeal, Conditional Use, 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A.

(Appeal filed May 29, 2003; Categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; companion measure to Files 030957, 030958; 030959; District 2.)

Jacqueline Clemens, speaking on behalf of the appellant, Erika Tarantino

Barbara Janeff, support of appellant
Madeline Camisa, support of appellant
Male Speaker, support of appellant
Male Speaker, support of appellant
Alexandra Revello, support of appellant
Erika Tarantino, appellant
Marti Hibschman, , support of appellant
Tom Bosnick, support of appellant
Patricia Bowder, speaking for a neighbor, support of appellant
Jeff Rayburn, support of appellant
Patricia Dolson, support of appellant
Male Speaker, support of appellant
David, support of appellant
Sol Varin, support of appellant
Joan Girardo, Marina Associates, support of appellant
Gloria Fontanello, support of appellant

Gerald Green, Director of the Department of Planning reviewed with the Board the Planning Commission's decision.

Board Members reviewed and discussed issues with representatives of the Planning Department.

Jennifer Donnelly, representing the project sponsor
Paul Burton, Verizon Wireless, project sponsor
Kenny Silverman, Radio Engineer for Verizon Wireless, support of project sponsor
Peter Mosert, Site Manager for Verizon Wireless, support of project sponsor
William F. Hammond, Engineer

A rebuttal period was allowed.
Jacqueline Clemens, speaking on behalf of the appellant, Erika Tarantino

The President inquired if there was anyone present who wished to address the Board.

There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

Board Members reviewed and discussed issues with representatives of the Planning Department, the Deputy City Attorney and the project sponsors.

030957 **[Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion approving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Newsom, seconded by Supervisor Hall, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030958 **[Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-118

Supervisor Newsom, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030959 **[Findings - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-119

Supervisor Newsom, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Appointment of President Pro Tempore

At the request of the President, Supervisor McGoldrick assumed the Chair.

The President resumed the Chair shortly thereafter

031037 **[Public Hearing - Appeal, Conditional Use, 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Hearing of persons interested in or subject to the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at 40-50 Lansing Street (a.k.a. 35 Guy Place), Lot 11, in Assessor's Block 3749.

(Appeal filed June 2, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to the Negative Declaration adopted and issued on April 22, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration); companion measure to Files 031038, 031039, 031040, 031090; District 6.)

Mr. Stephen Williams, representing the appellants

Yardana Arroya, support of appellant
Kevin Newby, support of appellant
Anna, support of appellant
David Castillo, support of appellant
Kristin Lloyd, support of appellant
Owen Smith, support of appellant
Trina Boban, support of appellant
Douglas Arthur, support of appellant
Theresa Hosa, support of appellant
Richard Hilton, support of appellant
Becky O'Malley, support of appellant
Reid Larent, support of appellant
Chad Catters, support of appellant
Barbara Jew, support of appellant
George B, support of appellant
Joann Seal, support of appellant
Robert Reilly, support of appellant
Female Speaker, support of appellant
Doug Stafford, support of appellant
Paula Roth, support of appellant
Mary Ann Robertson, support of appellant
Cliff Roth, support of appellant
Patrick Glove, support of appellant
Michael Butler, support of appellant
Carolyn Brown, support of appellant
Chris Jackson, support of appellant
Robert Scott, support of appellant
Sarah O'Malley, support of appellant

Lawrence Badiner, Zoning Administer, Department of Planning reviewed with the Board the Planning Commission's recommendations.

Andrew Junius, Project Sponsor and Architect for the project sponsor

Kate White, support of project sponsor
Jeff Maddox, support of project sponsor
Andrew Ganzisky, support of project sponsor
Mr. Harney, support of project sponsor
Rob Gregoff, support of project sponsor
Steven Aiello, support of project sponsor

Vernon Jenkins, general housing issues

Rebuttal period was allowed.
Stephen Williams, representing the appellants

The President inquired if there was anyone present who wished to address the Board.

There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

031038 **[Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Motion approving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031039 [Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]

Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

#1
Supervisor Daly, seconded by Supervisor McGoldrick, moved to amend the Planning Commission's decision by:
Removing 6 units from the top floor, set-back 2 units from (second floor) on the southern side of the building and removing the loading dock.

Motion failed by the following vote:
Ayes: 4 - Ammiano, Daly, Gonzalez, McGoldrick
Noes: 7 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Board members reviewed with the Developer, Henry Lambert financial issues regarding the project.

Supervisor Hall, seconded by Supervisor Peskin, moved to amend the Planning Commission's decision to remove 4 units from the 7th & 8th southerly side of the building.

#2
Supervisor Daly, seconded by Supervisor Ammiano, moved to amend the previous amendment to include removing the loading dock.

Motion failed by the following vote:
Ayes: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin
Noes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Sandoval

#3
Supervisor Hall, seconded by Supervisor Peskin, moved to amend the Planning Commission's decision to remove 4 units from the 7th & 8th southerly side of the building.
Motion carried by the following vote:
Ayes: 7 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval,
Noes: 4 - Ammiano, Daly, Gonzalez, McGoldrick

#4
Supervisor Daly, seconded by Supervisor Newsom, moved to amend the previous amendment to include sufficient street lighting.
The motion carried without objection.

#5
Supervisor Peskin, seconded by Supervisors Daly and Ammiano, moved to further amend to include removing loading dock.
Motion carried by the following vote:
Ayes: 6 - Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin
Noes: 5 - Ammiano, Daly, Gonzalez, Newsom, Sandoval

Supervisor Newsom, seconded by Supervisor Ma, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez

Supervisor Newsom, seconded by Supervisor Ma, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez

031040 **[Findings - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-120

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031090 **[Environmental Review - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place). (Clerk of the Board)

Motion No. M03-121

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

Supervisor Daly was noted absent at 9:00 p.m.

Supervisors Peskin, Newsom, Ma, Sandoval were noted absent at 9:05 p.m

Supervisor Newsom was noted present at 9:29 p.m.

Supervisors Peskin, Ma were noted present at 9:55 p.m.

030553 **[Public Hearing - Appeal, Conditional Use - 19th Street PG&E Transformer Station]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16534 dated February 27, 2003 approving a conditional use authorization, Case No. 2002.0575C, to install six panel antennas and related back-up equipment on the PG&E Transformer Station, pursuant to Planning Code Section 209.6(b), within an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District, located at South side of the 3400 Block of 19th Street; Lot 104, in Assessor's Block 3596.

(Appeal filed March 31, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to File 030554, 030555, 030556; District 9.)

Mr. Todd Curtis, Appellant

Female Speaker, support of appellant
Kim Allen, support of appellant
Nicolas Allstein, support of appellant
Female Speaker, support of appellant
Male Speaker, support of appellant
Wayne Newton, support of appellant
George Rebel, support of appellant
Male Speaker, support of appellant
Female Speaker, support of appellant
Male Speaker, support of appellant
Julian Babardes, support of appellant
Kieran Maroney, support of appellant

Gerald Green, Director of Department of Planning reviewed with the Board the Planning Commission's recommendations.

John Martin, DPW reviewed the process for the verification of the signatures.

Jim Heard, PG&E questioned the process in which the appeal was filed.

Chris Duran, project sponsor

John Martin, DPW reviewed the process for the verification of the signatures.

Supervisor Gonzalez requested clarification from the Deputy City Attorney, regarding the process of the filing of the appeal. The Deputy City Attorney indicated that no permits have been issued and that the project sponsor had not been prejudiced by hearing the appeals at this time.

Rebuttal period was allowed.
Todd Curtis, representing the appellants

The President inquired if there was anyone present who wished to address the Board.

There being no response, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

030554 **[Appeal, Conditional Use - 19th Street PG&E Transformer Station]**

Motion approving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Ammiano moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom
Noes: 1 - Peskin
Absent: 2 - Daly, Sandoval

030555 **[Appeal, Conditional Use - 19th Street PG&E Transformer Station]**

Motion disapproving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-116

Supervisor Ammiano, seconded by Supervisor Newsom, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom
Noes: 1 - Peskin
Absent: 2 - Daly, Sandoval

030556 **[Findings - 19th Street PG&E Transformer Station]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-117

Supervisor Ammiano moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed, homeless issues
Male Speaker, assault on a muni bus
Female Speaker, support legislation regarding SF Liberation Radio
Charlotte Hatch, support legislation regarding SF Liberation Radio
Steven Schubert, SF Liberation Radio
Ann Fibush, homeless issues
Male Speaker, SF Liberation Radio
Vernon Jenkins, general issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031154 **[Legislative Analyst Request - CITYSTAT Technology Systems]**
Supervisors Newsom, Dufty, Hall, Ma

Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

[No fiscal impact.]

APPROVED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031161 **[Urge Real Estate Companies to Reward the Hard Work of Janitors]**
Supervisors Sandoval, Daly, Peskin

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]

Resolution No. 490-03
ADOPTED

031191 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-123
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

Severed From Without Committee Reference Agenda

Supervisor McGoldrick requested that this matter be severed so that it could be considered separately.

031252 **[San Francisco Liberation Radio 93.7 FM and diversity in media ownership]**
Supervisors Gonzalez, Daly, Dufty, Ammiano, Peskin, Maxwell

Resolution supporting San Francisco Liberation Radio 93.7 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.

Amended to change "97.3" to 93.7"
Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

Supervisor McGoldrick requested that this matter be referred to Committee as amended.
REFERRED to the City Services Committee.

Supervisor Ma requested that this matter be severed so that it could be considered separately.

031251 **[Commending Holt A. Cheng, MD]**
Supervisor Ma

Resolution commending Holt A. Cheng, MD for his lifelong dedication and commitment to medical education and for his related work in the medical field.

Supervisor Ma recognized the son of Dr. Cheng.

Resolution No. 480-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 2 - Daly, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031273 **[Signs and handbills]**
Supervisor Ma

Ordinance amending the Public Works Code by amending Sections 184.56, 184.57, 184.60, 184.64, 184.66, 184.70, 184.74, 184.75, and 184.78, adding Section 184.79, and repealing Sections 184.58, 184.59, and 184.71, of Articles 5.6 and 5.7, to prohibit the posting of signs on lamp posts and utility poles, amend the definition of Sign, remove the requirement that persons register to distribute Handbills, remove certain publication requirements, provide for a billing procedure and civil penalties for depositing Handbills in violation of certain restrictions, requiring Handbills to be placed on private property consistent with the Director's rules, move the provision listing historic lamp posts to the portion of the Code regulating banners, amend the title to Article 5.6, and other related changes.
7/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/21/2003.

031274 **[Conservatory of Flowers - Fees]**
Supervisor McGoldrick

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.34 to establish the admission fees for the Conservatory of Flowers.
7/22/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. 8/9/03, 8/16/03 Fee ad publication dates.

031275 [Sole Source Contractual Procedures]
Supervisor Newsom

Ordinance amending sections 21.02 and 21.5 of the San Francisco Administrative Code and adding Sections 21.19-1 and 67.40 of the Administrative Code to: (1) define a contract, sole source, and sole source contract; (2) specify the criteria governing the award of contracts to sole sources; (3) require Solicitations and contracts to state the term of the contract; (4) require the terms of contracts to not exceed the term stated in the Solicitation; (5) require departments to report all sole source contracts in effect during the fiscal year; and (6) require the Clerk of the Board of Supervisors to report each year to the Board of Supervisors on departments' compliance with the obligation to report sole source contracts.
7/23/03, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

031276 [Approving ballot and hearing procedures for renewal of the Union Square Business Improvement District]
Supervisor Peskin

Resolution establishing ballot and hearing procedures governing ballots cast by property owners of property located within the boundaries of the Business Improvement District known as the "Union Square Business Improvement District" for the purpose of deciding whether to renew the assessment for the Union Square Business Improvement District for an additional five year term.
7/22/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 8/21/2003.

031277 [Authorize renewal and modification of the Union Square Business Improvement District]
Supervisor Peskin

Resolution declaring the intention of the Board of Supervisors to authorize renewal and modification of boundaries of a property-based business improvement district known as the "Union Square Business Improvement District," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.
7/22/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 8/21/2003.

031278 [Accept-Expend Federal Grant, Department of Parking and Traffic]
Mayor

Resolution authorizing the Department of Parking and Traffic to retroactively apply for, accept and expend a grant in the amount of $560,000 from the Federal Highway Administration with required local match of $140,000 for pedestrian safety improvements, education, and evaluation under Phase 2 of an ongoing project. (Mayor)
7/22/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031287 [Donate "Harold the Truck"]
Supervisor Daly

Resolution authorizing the San Francisco Arts Commission to donate "Harold the Truck" to the South of Market Cultural Center.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031288 [Rescinding Board of Supervisors Resolution No. _____, File No. 031220]
Supervisors Gonzalez, Ammiano, Hall, McGoldrick, Peskin, Dufty

Resolution rescinding the resolution regarding the Vietnamese Heritage and Freedom Flag, Board of Supervisors File No. 031220.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031289 [Urging HRC to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets]
Supervisor Gonzalez

Resolution urging the Human Rights Commission to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets in the Bay Area.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031290 [Declaring Seat #5 on the Commission on Aging Advisory Council to be vacant]
Supervisor Ma

Resolution declaring that Seat #5 on the Commission on Aging Advisory Council (incumbent Edmund Jew) is vacant.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031291 [Public hearing approval]
Supervisor Newsom

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $16,000,000 for Tides Inc., or an affiliate.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031293 [Urging that Lend Lease and/or Bovis enter into an agreement with the Northern California Carpenters Regional Council for the construction of the new Cruise Terminal Project]
Supervisor Sandoval

Resolution urging that Lend Lease and/or its sister company Bovis enter into an agreement with the Northern California Carpenters Regional Council so that the construction of the new Cruise Terminal Project, located on Pier 30-32, and its associated projects might proceed in accordance with the remarkable history and tradition which the members of the United Brotherhood of Carpenters and Joiners of America and Local 22 continue to exemplify in their service to the City of San Francisco.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031301 [Commending the Ocean Beach Neighbors and Merchants]
Supervisors Ma, Hall, Newsom

Resolution recognizing and commending the neighbors and merchants of Ocean Beach around Judah and La Playa for their continuing service to the community and commitment to improve the safety, cleanliness and enjoyment of the streets bordering the Ocean Beach Promenade and Great Highway.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031302 [Commending the Ocean Beach Task Force]
Supervisors Ma, Hall, Newsom

Resolution commending the Ocean Beach Task Force for their commitment and service to the preservation of Ocean Beach as a natural, cultural and recreational resource.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031303 [San Francisco City Guides Day]
Supervisors Peskin, Newsom

Resolution declaring October 23, 2003 "San Francisco City Guides Day" in San Francisco.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031304 [Working Group to Identify Funding to Minimize Teacher Layoffs]
Supervisor Ammiano

Resolution urging the Mayor's Budget Office, City departments and the San Francisco Unified School District to form a working group to identify funding necessary to minimize teacher layoffs in the SFUSD FY 2003-04 budget and urging the working group to report its recommendations to the Mayor and the Board of Supervisors not later than August 5, 2003.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031305 [Extending the regular meetings of the Homeless Senior Task Force]
Supervisor Daly

Resolution amending Resolution No. 682-02 to extend the regular meetings of the Homeless Senior Task Force for an additional four months.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

031279 **[Housing Impediments to Fair Housing]**
Supervisor Daly

Hearing on the Disability section of the Housing Impediments to Fair Housing report that will be generated by the Mayor's Office on Housing as a result of the Comprehensive Housing Affordability Strategy (CHAS) process.
7/22/03, RECEIVED AND ASSIGNED to Land Use Committee.

031280 **[Recreation and Park Department Permit Process]**
Supervisor Ma

Hearing to discern the Recreation and Park Department's permit process for public use of its parks for athletic activities, including, but not limited to, adult and youth soccer leagues.
7/22/03, RECEIVED AND ASSIGNED to City Services Committee.

031281 **[Residential housing]**
Supervisor McGoldrick

Hearing on issues raised by demolition of existing residential housing and replacement by larger projects, including effects on affordability of residential housing units and on the character of existing neighborhoods. This hearing also will consider legislative options for addressing such issues.
7/22/03, RECEIVED AND ASSIGNED to Land Use Committee.

031282 **[Parking garages and lots]**
Supervisor McGoldrick

Hearing on problems in collecting payments from parking garages and lots due under the parking tax. This hearing also will address problems with certification of verification equipment.
7/22/03, RECEIVED AND ASSIGNED to City Services Committee.

031283 **[Emergency Planning in San Francisco]**
Supervisor Newsom

Hearing on the state of emergency planning and emergency response preparedness in the City and County of San Francisco.
7/22/03, RECEIVED AND ASSIGNED to City Services Committee.

Motion

031284 **[Legislative Analyst Request]**
Supervisors Ma, Dufty, Ammiano, Maxwell, Sandoval, Newsom, Daly

Motion directing the Office of the Legislative Analyst to conduct research on model municipal practices with respect to establishing appropriate and/or shared sites for cellular antennas.
7/22/03, ASSIGNED to Board of Supervisors. Scheduled for consideration July 29, 2003.

031294 **[Authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures for submittal to the voters at the November 4, 2003]**
Supervisor Gonzalez

Motion authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031292 **[Authorizing preparation of a written Proponent ballot argument and rebuttal argument on approving a New Transportation Expenditure Plan]**
Supervisor Sandoval

Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the resolution approving a New Transportation Expenditure Plan File No. 031111 for publication in the voter information pamphlet for the November 4, 2003 election.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031211 **[Changing Official Width of Sidewalk]**
Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)
7/11/03, RECEIVED AND ASSIGNED to Land Use Committee.

031213 **[Amending Residential Rent Stabilization and Arbitration Ordinance]**
Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another. (Rent Stabilization and Arbitration Board)
7/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

031210 **[Contract approval - Municipal Transportation Quality Review]**
Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 02-866, Municipal Transportation Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed $49,489, and for a term not to exceed one year with an option to extend up to an additional two years to cover the next review period. (Municipal Transportation Agency)

(No Public Benefit Recipient.)
7/10/03, RECEIVED AND ASSIGNED to City Services Committee.

031212 **[Agreement - Informatix, Inc. and CCSF]**
Resolution approving the Agreement between Informatix, Inc. and City of County of San Francisco for computer consulting services necessary to implement the Computer Assisted Support Enforcement System (CASES) Consortium for forty one California counties, including San Francisco. (Child Support Services)

(No Public Benefit Recipient.)
7/14/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation to expand the mission and term of the Potrero Power Plant Citizens Advisory Task Force to address the San Francisco Electricity Resource Plan and its implementation as it affects the Central Waterfront.

In Memoriams

June A. Dyer (Supervisor Hall)
Yvonne Eugenie Rouquette Eche (Supervisor Dufty)
Genevieve Jensen (Supervisor Dufty)
Ruth Seigel (Supervisor Dufty)
David Yee (Supervisor Ma)

ADJOURNMENT

There being no further business, the Board at the hour of 11:03 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 26, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, July 29, 2003 2:00 PM
Legislative Chamber - Second Floor
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San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m.
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 27

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve June 17, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board the Clerk's Office was in receipt of a veto communication from Mayor Willie L. Brown, Jr. relating to the legislation recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American Community.

Supervisor Peskin, seconded by Supervisor Dufty, moved not to schedule the override of the Mayor's veto on the August 12, 2003 Board Agenda.

Motion carried by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, McGoldrick, Newsom, Peskin
Noes: 3 - Daly, Ma, Maxwell

Gloria L. Young, Clerk of the Board, also informed the Board that the Clerk's Office was in receipt of a communication from Mayor Willie L. Brown, Jr. relating to the legislation for San Francisco General Assistance (File No. 030871).

CONSENT AGENDA

ecommendations of the City Services Committees

031053 **[Accept-Expend State Grant]**
Mayor, Supervisor Newsom

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of $26,185 from the California Governor's Office on Service and Volunteerism for Citizens Corps activities and the Neighborhood Emergency Response Team Program.

(No fiscal impact; No Public Benefit Recipient.)

Resolution No. 495-03
ADOPTED

031123 **[Explore the effects of antiretroviral therapy (HAART) on cancer incidence in persons with AIDS]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept and expend retroactively a grant in the amount of $85,335 from the National Institute of Allergy and Infectious Diseases (NIAID), to explore the effect of highly active antiretroviral therapy (HAART) on cancer incidence in persons with AIDS and to enter into an agreement for the use of these funds; for the period of May 1, 2003, to October 31, 2004. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 496-03
ADOPTED

031125 **[Services for indigent patients at the S.F. General Hospital Trauma Center]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of $587,034 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30. 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 489-03
ADOPTED

031168 **[Develop placement alternatives for African-American individuals residing in Institutions for Mental Disease]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health, Behavioral Health Services (SFDPH, BHS) to accept and expend retroactively a grant in the amount of $399,444 from the California Department of Mental Health (CDMH) to develop model strategies and protocols for African-Americans institutionalized for mental disease; for the period of June 16, 2003, to June 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 491-03
ADOPTED

Recommendations of the Rules Committee

030955 **[Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of $2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 200-03
FINALLY PASSED

031080 **[Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]**
Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for $145,000.00 in attorney's fees and $4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 205-03
FINALLY PASSED

031081 **[Settlement of Lawsuit - Mesha Irizarry]**
Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for $500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 206-03
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031250 **[Adopting findings related to the conditional use appeal on property located at 270-284 Valencia Street/17 Brosnan Street]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0333C (which authorized the construction of 28 dwelling units in a C-M District, allowed the construction of a housing project with fewer than 25-percent below market units, and allowed the demolition of a building in the Northeast Mission Industrial Zone that has contained production, distribution and repair businesses since August 5, 1999) on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets (Lot 9 in Assessor's Block 3533). (Clerk of the Board)

Motion No. M03-126

APPROVED by the following vote:

Ayes: 9 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

Recommendation of the Budget Committee

030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**
Mayor

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

031102 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.

(Fiscal impact.)

Ordinance No. 207-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031115 [PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.

Ordinance No. 208-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Land Use Committee

030351 [Planning Code Section 312 - Retail coffee store or pharmaceutical and personal toiletries use]
Supervisors Gonzalez, Daly, Hall

Ordinance amending Planning Code Section 312 to require that a change in use to a retail coffee store, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(Certificate of Determination of Exemption/Exclusion from Environmental Review dated 5/23/03; Planning Commission Resolution No. 16594, adopted June 5, 2003, recommending approval.)

Ordinance No. 209-03
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030998 [Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap]
Supervisor Hall

Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.

Ordinance No. 204-03
FINALLY PASSED.

Recommendation of the Rules Committee

031153 **[Establishing a Construction Risk Management Committee]**
Supervisor Dufty

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

REFERRED to the Rules Committee by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget Committee

030637 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt]**
Supervisor Gonzalez

Ordinance approving, for the redevelopment plans listed below, the elimination of the existing time limits in each plan for establishment of loans, advances and indebtedness: (1) the Western Addition Area A-2 Redevelopment Plan, (2) the Yerba Buena Center Redevelopment Plan, (3) the Rincon Point - South Beach Redevelopment Plan, and (4) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan. (Mayor)

5/2/03: Exempt from CEQA Non-physical exemption CEQA Guidelines Section 15060(c)(8) and Section 15378; Fiscal impact.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030496 **[Relocation of Laundry Services to Oyster Point]**
Supervisors Peskin, Daly, Dufty, Hall

Resolution urging the Department of Administrative Services and other City departments to expeditiously implement the relocation of laundry services for San Francisco General Hospital and Laguna Honda Hospital to the laundry facility at Oyster Point.

Resolution No. 510-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the City Services Committee

030468 [Youth Soccer]
Supervisors Newsom, Hall

Resolution urging the Recreation and Park Department, while re-evaluating current practices and policies, to determine the most efficient use of its park space for athletic programs to allow for public usage of the Marina Green for youth to practice soccer.

Resolution No. 494-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030910 [Liquor License, 39 New Montgomery Street]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty, Sandoval

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to The Brothers Earl, LLC (Jason Miller and Kevin Ellis) for the House of Shields, located at 39 New Montgomery Street (District 6), will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 492-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

031195 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Sandoval, Ma, Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55. (Mayor)

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

31111 [Reauthorizing the Sales and Use Tax for Transportation]
Supervisors Daly, Gonzalez, Ammiano, Peskin, Dufty, Maxwell, Ma, Sandoval, McGoldrick

Resolution approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 of, and adding Section 1419 to, Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize implementation of a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements over the next 30 years and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent during implementation of the New Transportation Expenditure Plan and its updates; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed $1,880,000,000 and which is payable from the revenue generated hereunder; (5) approve the California Constitution Article XIII B Appropriations Limit of $485,175,000; (6) forbid the enjoining of collection of the tax; and (7) make recipient departments responsible for certifying that the tax revenues will not be substituted for property tax funds for existing programs.

Resolution No. 485-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031169 [Reimbursable Professional Services Agreement with Siemens Dematic Group]

Resolution approving the Reimbursable Professional Services Agreement with Siemens Dematic Group for the project management and construction management services in the estimated amount of $1,990,000. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 497-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031201 [California Environmental Quality Act Findings]
Supervisor Daly

Motion adopting findings pursuant to the California Environmental Quality Act in connection with approval of a New Transportation Expenditure Plan and Sales Tax Reauthorization.

Motion No. M03-125
APPROVED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Land Use Committee

030304 **[Municipal Transportation Agency leveraged lease-leaseback financing]**
Mayor

Resolution authorizing the San Francisco Municipal Transportation Agency to proceed with Tranche 2 of the Breda light rail vehicle leveraged lease-leaseback transaction. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 493-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Ernestine Weiss; tenant concerns
Jeffrey Leiberwitz; business industry concerns and assessment appeals
John; leadership
Erin Evans; Act Up San Francisco; Aid concerns
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Kim Win; Vietnamese Elder, issues regarding Resolution Vietnamese Heritage and Freedom Flag
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
M. Lo; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Mr. Quantino; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Gloria; second generation issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Amy; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Female Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Abdulla Megaheed; support of Vietamese Heritage and issues regarding Governor Davis' homeless issues
Rodney; from Potrero Hill; general issues
Mel, Sr. Action Network; support of .5% SalesTax ; support of Vietnamese Freedom Flag, Senior homeless task force; condo requests
Mr. Scott; Sr. Action Network
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Preston Winn; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; former member of the Republic Vietnam Army; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; issues regarding Resolution Vietnamese Heritage and Freedom Flag
Male Speaker; amend HJ 20
Male Speaker; amend HJ 20
Elizabeth; Director of South of Market
Jackie Sax; Muni and transportation issues for disabled children
Bob Cassett; free transportation for military members and free entry to civic events

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031284 **[Legislative Analyst Request]**
Supervisors Ma, Dufty, Ammiano, Maxwell, Sandoval, Newsom, Daly

Motion directing the Office of the Legislative Analyst to conduct research on model municipal practices with respect to establishing appropriate and/or shared sites for cellular antennas.

APPROVED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031287 **[Donate "Harold the Truck"]**
Supervisor Daly

Resolution authorizing the San Francisco Arts Commission to donate "Harold the Truck" to the South of Market Cultural Center.

Resolution No. 498-03
ADOPTED

031289 **[Urging HRC to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets]**
Supervisor Gonzalez

Resolution urging the Human Rights Commission to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets in the Bay Area.

Resolution No. 511-03
ADOPTED

031290 **[Declaring Seat #5 on the Commission on Aging Advisory Council to be vacant]**
Supervisor Ma

Resolution declaring that Seat #5 on the Commission on Aging Advisory Council (incumbent Edmund Jew) is vacant.

Resolution No. 499-03
ADOPTED

031291 **[Public hearing approval]**
Supervisor Newsom

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $16,000,000 for Tides Inc., or an affiliate.

Resolution No. 500-03
ADOPTED

031293 [Urging that Lend Lease and/or Bovis enter into an agreement with the Northern California Carpenters Regional Council for the construction of the new Cruise Terminal Project]
Supervisor Sandoval

Resolution urging that Lend Lease and/or its sister company Bovis enter into an agreement with the Northern California Carpenters Regional Council so that the construction of the new Cruise Terminal Project, located on Pier 30-32, and its associated projects might proceed in accordance with the remarkable history and tradition which the members of the United Brotherhood of Carpenters and Joiners of America and Local 22 continue to exemplify in their service to the City of San Francisco.

Resolution No. 512-03
ADOPTED

031301 [Commending the Ocean Beach Neighbors and Merchants]
Supervisors Ma, Hall, Newsom

Resolution recognizing and commending the neighbors and merchants of Ocean Beach around Judah and La Playa for their continuing service to the community and commitment to improve the safety, cleanliness and enjoyment of the streets bordering the Ocean Beach Promenade and Great Highway.

Resolution No. 501-03
ADOPTED

031302 [Commending the Ocean Beach Task Force]
Supervisors Ma, Hall, Newsom

Resolution commending the Ocean Beach Task Force for their commitment and service to the preservation of Ocean Beach as a natural, cultural and recreational resource.

Resolution No. 502-03
ADOPTED

031303 [San Francisco City Guides Day]
Supervisors Peskin, Newsom

Resolution declaring October 23, 2003 "San Francisco City Guides Day" in San Francisco.

Resolution No. 503-03
ADOPTED

031304 [Working Group to Identify Funding to Minimize Teacher Layoffs]
Supervisor Ammiano

Resolution urging the Mayor's Budget Office, City departments and the San Francisco Unified School District to form a working group to identify funding necessary to minimize teacher layoffs in the SFUSD FY 2003-04 budget and urging the working group to report its recommendations to the Mayor and the Board of Supervisors not later than August 5, 2003.

Resolution No. 513-03
ADOPTED

031305 **[Extending the regular meetings of the Homeless Senior Task Force]**
Supervisor Daly

Resolution amending Resolution No. 682-02 to extend the regular meetings of the Homeless Senior Task Force for an additional four months.

Resolution No. 504-03
ADOPTED

031260 **[Final Map for a 10 Unit Live/Work Condominium Project]**
Motion approving Final Map of 2211 - 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 4327A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,224; District 10.)

Motion No. M03-127
APPROVED

031261 **[Final Map for a 25 Unit Mixed Use Condominium Project]**
Motion approving Final Map of 601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project, being a subdivision of Lot 127 in Assessor's Block No. 3576, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,269; District 9.)

Motion No. M03-128
APPROVED

031262 **[Final Map for a 6 Unit Commercial Condominium Project]**
Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 1, a Commercial Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,270; District 6.)

Motion No. M03-129
APPROVED

031263 **[Final Map for a 36 Unit Residential Condominium Project]**
Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 2, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,271; District 6.)

Motion No. M03-130
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Daly requested that this matter be severed so that it could be considered separately.

031288 [Rescinding Board of Supervisors Resolution No. _____, File No. 031220]
Supervisors Gonzalez, Ammiano, Hall, McGoldrick, Peskin, Dufty

Resolution rescinding the resolution regarding the Vietnamese Heritage and Freedom Flag, Board of Supervisors File No. 031220.

Supervisor Daly, seconded by Supervisor Ma, moved to continue this matter to August 12, 2003.
Motion carried without objection.

Supervisor Dufty moved to rescind the previous vote.
Motion carried without objection.

Supervisor Dufty moved to refer this matter to committee.
REFERRED to the Rules Committee by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Sandoval requested that this matter be severed so that it could be considered separately.

031292 [Authorizing preparation of a written Proponent ballot argument and rebuttal argument on approving a New Transportation Expenditure Plan]
Supervisor Sandoval

Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the resolution approving a New Transportation Expenditure Plan File No. 031111 for publication in the voter information pamphlet for the November 4, 2003 election.

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it could be considered separately.

031294 **[Authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures for submittal to the voters at the November 4, 2003]**
Supervisor Gonzalez

Motion authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003.

Supervisor Daly, seconded by Supervisor Ma, moved to amend page 1, line 12, after "amendments" by adding "and other measures"; further amended line 22, by inserting Transportation Sales Tax"; and on page 2, line 5 by adding "FURTHER MOVED, that the sponsor of the transportation sales tax may assign any other person(s) under the provisions of the San Francisco Elections Code 550 (e) the authority to submit the proponent and /or rebuttal argument."

Supervisor Daly, seconded by Supervisor Ma, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Motion No. M03-131

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

ADOPTION of the Brown Act finding by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Sandoval, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031310 [Commending Richard Gaule]
Supervisors Daly, Dufty

Resolution commending Richard Gaule for his extraordinary service to the San Francisco community by serving free soups to local homeless individuals.

Resolution No. 505-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031311 [Brian Olcomendy Day]
Supervisor Hall

Resolution proclaiming December 5, 2003 as "Brian Olcomendy Day" in the City and County of San Francisco in honor of his life and his innumerable contributions to his family, to his friends, and to all the citizens of San Francisco.

Resolution No. 506-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031312 [Lauren Bell Day]
Supervisor Sandoval

Resolution proclaiming July 31, 2003 Lauren Bell Day in San Francisco for her service as Youth Services Director/Greater Mission Consortium Coordinator and her tireless effort and devotion to San Francisco youth.

Resolution No. 507-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031314 [Declaring July 30th YMCA of San Francisco Day]
Supervisors Gonzalez, Dufty

Resolution declaring July 30th "YMCA of San Francisco Day."

Resolution No. 509-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031313 **[National Minority Donor Awareness Day]**
Supervisors Sandoval, Dufty

Resolution raising awareness about the lack of and need for minority organ donors and celebrating August 1, 2003 as National Minority Donor Awareness Day to inform and educate potential donors.

Resolution No. 508-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031315 **[MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]**
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.

7/29/03, RECEIVED AND ASSIGNED to Budget Committee.

031316 **[MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]**
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.

7/29/03, RECEIVED AND ASSIGNED to Budget Committee.

031317 **[MOU - Police Officers' Association (SFPOA)]**
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), to be effective July 30, 2003 through June 30, 2007.

(Fiscal impact.)

7/29/03, RECEIVED AND ASSIGNED to Budget Committee.

31320 [Golden Gate Park Concourse Underground Parking Facility Fees]
Supervisor Peskin

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.35 to establish rates for the Golden Gate Park Concourse Underground Parking Facility.
7/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031239 [Amending Planning Code Re: CUAs for 50,000 Square Foot Plus Retail Uses]
Supervisor Gonzalez

Ordinance adding section 121.5 of the Planning Code and amending sections 218, 814.31, 815.31, 816.31, 817.31, and 818.31 of the Planning Code to require that all retail uses, for which permit applications are submitted after the effective date of this ordinance, in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as a conditional use, providing additional criteria for the Planning Commission's review of such conditional use applications, providing that these provisions shall apply only to building permit applications received after the date of introduction of this ordinance, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/15/03, RECEIVED AND ASSIGNED to Land Use Committee.

7/18/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

7/29/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

7/29/03, ASSIGNED to Land Use Committee.

Resolutions

031310 [Commending Richard Gaule]
Supervisors Daly, Dufty

Resolution commending Richard Gaule for his extraordinary service to the San Francisco community by serving free soups to local homeless individuals.
7/29/03, ADOPTED.

031311 [Brian Olcomendy Day]
Supervisor Hall

Resolution proclaiming December 5, 2003 as "Brian Olcomendy Day" in the City and County of San Francisco in honor of his life and his innumerable contributions to his family, to his friends, and to all the citizens of San Francisco.
7/29/03, ADOPTED.

031312 [Lauren Bell Day]
Supervisor Sandoval

Resolution proclaiming July 31, 2003 Lauren Bell Day in San Francisco for her service as Youth Services Director/Greater Mission Consortium Coordinator and her tireless effort and devotion to San Francisco youth.
7/29/03, ADOPTED.

031313 [National Minority Donor Awareness Day]
Supervisors Sandoval, Dufty

Resolution raising awareness about the lack of and need for minority organ donors and celebrating August 1, 2003 as National Minority Donor Awareness Day to inform and educate potential donors.
7/29/03, ADOPTED.

031314 [Declaring July 30th YMCA of San Francisco Day]
Supervisors Gonzalez, Dufty

Resolution declaring July 30th "YMCA of San Francisco Day."
7/29/03, ADOPTED.

031318 [Grant of Federal Funds - Municipal Transportation Agency]
Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend $22,447,850 of Federal Discretionary Capital Assistance for construction of the Third Street Corridor Track/Maintenance Facility project, excluding administrative overhead costs.

(No Public Benefit Recipient.)
7/29/03, RECEIVED AND ASSIGNED to Land Use Committee.

031319 [Ground Lease - Golden Gate Park Concourse Underground Parking Facility Project]
Supervisor Peskin

Resolution approving and authorizing the execution and delivery of a ground lease between the City and Music Concourse Community Partnership relating to the Golden Gate Park Music Concourse underground parking facility project and amending the designation of the jurisdiction of the Golden Gate Park Concourse Authority.

(Fiscal impact.)
7/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031321 [CEQA, General Plan, Golden Gate Park Master Plan Findings - Golden Gate Park Concourse Authority Projects]
Supervisor Peskin

Resolution affirming the Planning Commission's certification of the Golden Gate Park Concourse Authority Projects Final Environmental Impact; adopting environmental findings pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting General Plan and Planning Code Section 101.1 findings in connection with the Golden Gate Park Concourse Authority Projects.
7/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31322 [Amendment(s) to Design Agreement for the Laguna Honda Hospital Replacement Program]
Supervisor Hall

Resolution authorizing the Director of Public Works to execute amendment(s) to a design agreement for the Laguna Honda Hospital replacement program from $29,900,000 to $31,533,540.

(Fiscal impact.)
7/29/03, RECEIVED AND ASSIGNED to City Services Committee.

031323 [Juror parking and relocation of San Francisco's towing contractor's parking and PUC Streetlight Maintenance Yard]
Supervisor Newsom

Draft Resolution urging the Municipal Transportation Agency and the San Francisco Public Utilities Commission (PUC) to cooperatively assist the Department of Parking and Traffic in providing parking for San Franciscans summoned to jury duty at the Hall of Justice, supporting relocation of the towed vehicle storage site for the City and County of San Francisco's towing contractor from 481 7th Street to the PUC Streetlight Maintenance Yard at 639 Bryant Street and endorsing the relocation of the PUC Streetlight Maintenance Yard operations to a site approved by the PUC.
7/29/03, RECEIVED AND ASSIGNED to Land Use Committee.

031324 [Condemn Hotel Council anti-panhandling advertisements campaign and urge MUNI to develop guidelines for political campaign advertisements on MUNI property]
Supervisors Gonzalez, Daly

Resolution condemning the Hotel Council's unsubstantiated and malicious anti-panhandling political ad campaign and urging MUNI to develop a comprehensive set of policy guidelines for dealing with ads that pertain to political campaigns.
7/30/03, RECEIVED AND ASSIGNED to City Services Committee.

031325 [Condemning exorbitant phone call prices in S.F. hotels; urging the City Attorney to investigate the phone call pricing practices]
Supervisors Gonzalez, Daly

Resolution condemning exorbitant phone call prices in San Francisco hotels and urging the City Attorney to investigate the legalities of such price gouging.
7/29/03, RECEIVED AND ASSIGNED to City Services Committee.

031328 [Commending SF Clean City Coalition, SF Chamber of Commerce and the Department of Public Works]
Supervisors Dufty, Ma, Newsom

Resolution commending the creation of a public-private partnership between the San Francisco Clean City Coalition, the San Francisco Chamber of Commerce and the Department of Public Works (DPW) for the development of an innovative performance evaluation program called StreetFacts. The Board of Supervisors encourages the Mayor, DPW, other city agencies, the San Francisco Clean City Coalition, and the San Francisco Chamber of Commerce to partner in the collection of StreetFacts data and in developing strategies towards the overall improvement of street cleanliness, beauty, and safety in San Francisco.
7/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031329 [Controller's Office to conduct comprehensive surveys regarding the effects of health and human service budget cuts]
Supervisors Dufty, Daly, Ma

Resolution requesting the City Controller's Office to conduct comprehensive surveys on the effect of any proposed and final health and human service budget cuts on San Franciscans receiving services from both faith and community-based non-profit contractors as well as City agencies, and on the alternatives to such services and the populations most affected by these service cuts.
7/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031331 [Opposing Proposition 54]
Supervisors Sandoval, Ammiano, Gonzalez, Dufty, Daly, McGoldrick, Ma, Newsom

Resolution opposing Proposition 54 on the October 7, 2003 ballot which would bar most state agencies from collecting individual racial and ethnic data.
7/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031153 [Establishing a Construction Risk Management Committee]
Supervisor Dufty

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]
6/24/03, RECEIVED AND ASSIGNED to Rules Committee.

7/22/03, PASSED ON FIRST READING.

7/29/03, REFERRED to Rules Committee.

031288 [Rescinding Board of Supervisors Resolution No. _____, File No. 031220]
Supervisors Gonzalez, Ammiano, Hall, McGoldrick, Peskin, Dufty

Resolution rescinding the resolution regarding the Vietnamese Heritage and Freedom Flag, Board of Supervisors File No. 031220.
7/22/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/29/03, REFERRED to Rules Committee. Supervisor Daly, seconded by Supervisor Ma, moved to continue this matter to August 12, 2003.
Motion carried without objection.

Supervisor Dufty moved to rescind the previous vote.
Motion carried without objection.

Supervisor Dufty moved to refer this matter to committee.

Requests For Hearing

031326 [Status of the S. F. Mental Health Rehabilitation Facility]
Supervisor Ammiano

Hearing to examine the current status of the San Francisco Mental Health Rehabilitation Facility.
7/29/03, RECEIVED AND ASSIGNED to City Services Committee.

031327 [Competitive Procurement for SLUG Contracts]
Supervisor Daly

Hearing to consider the process for reassigning contracts formerly entered into with the San Francisco League of Urban Gardeners. Specifically, to ensure that competitive solicitation, not sole source, is used for reassignment of these contracts.
7/29/03, RECEIVED AND ASSIGNED to Budget Committee.

Motions

031309 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
7/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031330 [Waiver Permitting City Employees to Assist the Department of Elections]
Supervisor Gonzalez

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.
7/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031254 [Settlement of Lawsuit - Evelyn Mata]
Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for $50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

031255 **[Extension of Agreement For Additional Eighteen-Month Tolling of Statute of Limitations Governing Administrative Proceeding or Suit]**

Resolution approving the City Attorney's entry into a Second Extension of Tolling Agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resources Site Steering Committee, effective June 6, 2003.

(No Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031256 **[State Grant - Safe Routes to School Funds]**
Supervisor Dufty

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend $444,060.00 in California State "Safe Routes to Schools" funds, with required local match of $48,940.00 (Parking and Traffic Department)

(No Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to City Services Committee.

031257 **[State Grant - Safe Routes to School Funds]**
Supervisor Dufty

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend $428,400.00 in California State "Safe Routes to Schools" funds, with required local match of $47,600.00. (Parking and Traffic Department)

(No Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to City Services Committee.

031258 **[Gift Acceptance, Laguna Honda Hospital - Passenger Van]**
Supervisors Hall, Dufty

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift donated to Laguna Honda Hospital in the amount of $37,857 from the Laguna Honda Hospital Volunteer Services, Inc. for the exclusive benefit of Laguna Honda residents. (Public Health Department)

(No Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to City Services Committee.

31259 **[Gift Acceptance, Laguna Honda Hospital - Electric Vehicles]**
Supervisors Hall, Dufty

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment-two electric vehicles in the amount of $14,310 from the McKesson Corporation for the general benefit of all residents at Laguna Honda Hospital. (Public Health Department)

(No Public Benefit Recipient.)
7/21/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor McGoldrick
To: City Attorney
Requesting/Inquiring: To draft amendments to the Planning Code to change the method for determining allowable lot coverage by a building in residential zones, so that allowable lot coverage is determined using the actual combined footprint of buildings on a adjacent lots in comparison with the actual size of those lots.

From: Supervisor Daly
To: Director, Public Works
General Manager, Recreation and Park
Controller
Requesting/Inquiring: To provide all details on the process for reassigning contracts formerly entered into with the San Francisco League of Urban Gardeners, including copies of the current contracts.

Specifically, to advise on whether competitive solicitation, not sole source, is used for reassignment of these contracts.

From: Supervisors Daly, Maxwell, Gonzalez, Dufty, Ma
To: Controller
City Attorney
Requesting/Inquiring: To draft a supplemental appropriation from any available source that is sufficient to prevent layoffs of gardeners and recreation directors restored by the Budget Committee.

In Memoriams

Mike Salinas (Supervisors Dufty, Ammiano)
Brian Olcomendy (Supervisors Hall, Newsom)

ADJOURNMENT

There being no further business, the Board at the hour of 4:32 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on August 26, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, August 12, 2003 2:00 PM
Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 p.m
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair. of the Committee

Volume 98 Number 28

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Ammiano and McGoldrick - 2
Quorum present.

Supervisors Ammiano and McGoldrick were noted present at 2:03 p.m.
Supervisors Hall, Peskin and Sandoval were excused from attending today's meeting. (See Infra)

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Maxwell, moved to approve June 24, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Supervisors Hall, Peskin and Sandoval Excused from Attendance

Supervisor McGoldrick, seconded by Supervisor Dufty, moved to excuse Supervisors Hall, Peskin and Sandoval from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget Committee

030637 [Extending Redevelopment Agency's Times for Incurring and Repaying Debt]
Supervisor Gonzalez

Ordinance approving, for the redevelopment plans listed below, the elimination of the existing time limits in each plan for establishment of loans, advances and indebtedness: (1) the Western Addition Area A-2 Redevelopment Plan, (2) the Yerba Buena Center Redevelopment Plan, (3) the Rincon Point - South Beach Redevelopment Plan, and (4) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan. (Mayor)

5/2/03: Exempt from CEQA Non-physical exemption CEQA Guidelines Section 15060(c)(8) and Section 15378; Fiscal impact.

Ordinance No. 211-03
FINALLY PASSED

Recommendations of the City Services Committee

031176 [Reduce sexual risk for HIV transmission in substance using men who have sex with men]
Supervisors Dufty, Gonzalez

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $127,961 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 1, 2002, to August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 535-03
ADOPTED

031178 [Renew Revolving Loan Funds Agreement with State]
Supervisor Dufty

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

(No Public Benefit Recipient.)

Resolution No. 536-03
ADOPTED

031180 **[Collaborative research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients, year 2]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $71,992 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the second year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 514-03
ADOPTED

031182 **[Grants Federal Funds - Municipal Railway]**
Supervisor Dufty

Resolution authorizing the Municipal Transportation Agency (MTA) Board of Directors to accept and expend $990,029 of Federal Earmarked Capital Assistance for Design and Construction of Muni's Central Control Facility. (Municipal Transportation Agency)

Resolution No. 515-03
ADOPTED

031210 **[Contract approval - Municipal Transportation Quality Review]**
Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 02-866, Municipal Transportation Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed $49,489, and for a term not to exceed one year with an option to extend up to an additional two years to cover the next review period. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Resolution No. 539-03
ADOPTED

031212 **[Agreement - Informatix, Inc. and CCSF]**
Resolution approving the Agreement between Informatix, Inc. and City of County of San Francisco for computer consulting services necessary to implement the Computer Assisted Support Enforcement System (CASES) Consortium for forty one California counties, including San Francisco. (Child Support Services)

(No Public Benefit Recipient.)

Resolution No. 540-03
ADOPTED

Recommendations of the Finance and Audits Committee

031195 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Sandoval, Ma, Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55. (Mayor)

Ordinance No. 210-03
FINALLY PASSED

030743 [Lease, Parking Agreement and Negative Declaration for Piers 1½, 3 and 5]
Supervisor Peskin

Resolution approving and authorizing a 66-year Lease with San Francisco Waterfront Partners, LLC for Piers 1½, 3 and 5, Approving Related Parking Agreement, and Adopting Findings of Mitigated Negative Declaration pursuant to California Environmental Quality Act.

(Public Benefit Recipient.)

Resolution No. 524-03
ADOPTED

030890 [Lease Agreement with Imperial Parking]
Resolution approving lease agreement with Imperial Parking (U.S.), and the City and County of San Francisco operating by and through the San Francisco Port Commission to operate a surface parking lot at Seawall Lot 330, Embarcadero between Bryant and Beale Streets. (Port)

(No Public Benefit Recipient.)

Resolution No. 526-03
ADOPTED

Recommendations of the Land Use Committee

031165 [STOP Intersections]
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
38th Avenue and Irving Street, stopping Irving Street at 38th Avenue, making this an all-way STOP; 22nd Avenue and Ortega Street, stopping Ortega Street at 22nd Avenue, making this an all-way STOP; and 21st Avenue and Irving Street, stopping Irving Street at 21st Avenue, making this an all-way STOP. (Parking and Traffic Department)

(6/2703: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

Resolution No. 531-03
ADOPTED

031166 **[Traffic Regulations, Various Streets]**
Resolution enacting and rescinding traffic regulations on various streets.

LEFT LANE MUST TURN LEFT EXCEPT MUNI - ESTABLISH
19th Avenue, northbound, at Junipero Serra Boulevard.

ONE WAY STREET (NORTHBOUND) - ESTABLISH
Guttenberg Street, between Hanover and Mission Streets.

LEFT LANE MUST TURN LEFT - ESTABLISH
7th Avenue, northbound, at Lawton Street. (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

Resolution No. 532-03
ADOPTED

31167 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

TAXI ZONE - ESTABLISH
4th Street, west side, from Minna Street to 150 feet southerly (150-foot Taxi Zone).

TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
4th Street, southbound, from 150 feet south of Minna Street to Howard Street.

TOUR BUS LOADING ZONE - ESTABLISH
Howard Street, north side, from 120 feet to 445 feet west of 4th Street (325-foot white zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 4th Street to 120 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 445 feet to 570 feet west of 4th Street (125-foot zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Minna Street, south side, from 4th Street to 615 feet westerly.

NO PARKING ANYTIME - REVOKE
Minna Street, south side, from 230 feet west of 4th Street to 385 feet westerly (385-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Turk Street, south side, from Divisadero Street to 95 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 7 AM - 9 PM, MONDAY THROUGH SUNDAY) - ESTABLISH
Shrader Street, both sides, between Haight and Page Streets.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
7th Avenue, east side, from 40 feet to 180 feet north of Lawton Street.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Funston Avenue, west side, between Clement Street and Geary Boulevard (300 block).

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
14th Avenue, east side, between Clement Street and Geary Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Cesar Chavez Street south side, from 200 feet to 295 feet east of Kansas Street (in front of 2323 Cesar Chavez Street); and
Cesar Chavez Street, south side, from 402 feet to 638 feet east of Kansas Street (in front of 2323 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Turk Street, north side, between Buchanan and Laguna Streets;
Laguna Street, west side, between Eddy and Turk Streets;
Eddy Street, both sides, between Buchanan and Laguna Streets; and
Larch Way, both sides, between Buchanan and Laguna Streets.
Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH
2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street (approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and
Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH
Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH
Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces perpendicular to terminus). (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

Resolution No. 533-03
ADOPTED

Recommendations of the Rules Committee

031078 **[Settlement of Lawsuit - John Darmanin]**
Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for $80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

31079 **[Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for $105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031177 **[Settlement of Lawsuit - John Eiler]**

Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for $300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031179 **[Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]**

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed $155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

030606 **[Appointment]**

Resolution appointing Karen Cohn, term ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

Karen Cohn, (residency requirement waived) succeeding Jennifer Mann, seat 20, must be a representative of the Department of Public Health and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Resolution No. 523-03
ADOPTED

030750 **[Appointment]**

Resolution appointing Madison Kilpatrick, Scott Williams, L. Michael Costas, Richard Morten, Lori Yamauchi, Reed Benet, Theresa Feely, Joe Raguso, Dr. Mike Le, Karen Pierce, Janice Bolaffi, Peter Cohen, and Corinne Woods, terms to be determined, to the Biosciences Task Force.

Madison Kilpatrick, new position, seat 1, must be from a business association for a term to be determined.
Scott Williams, new position, seat 2, have expertise in the bioscience industry for a term to be determined.
L. Michael Costas, new position, seat 3, must be from a bioscience company for a term to be determined.
Richard Morten, new position, seat 4, must be from an urban planning association for a term to be determined.
Lori Yamauchi, new position, seat 5, must be from an educational institution with expertise in the biosciences and bioscience industry for a term to be determined.
Reed Benet, new position, seat 7, must be from a private real estate firm that represents companies seeking bioscience space in the Bay Area for a term to be determined.
Theresa Feely, new position, seat 8, must be from an organization that specializes in job training and placement for a term to be determined.
Joe Raguso, new position, seat 10, must represent a neighborhood organization from the South of Market for a term to be determined.
Dr. Mike Le, new position, seat 11, must represent a neighborhood organization from Potrero Hill/Dogpatch for a term to be determined.
Karen Pierce, new position, seat 12, must represent a neighborhood organization in Bayview Hunters Point for a term to be determined.
Janice Bolaffi, new position, seat 14, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.
Peter Cohen, new position, seat 15, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.
Corinne Woods, new position, seat 16, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Resolution No. 525-03
ADOPTED

031024 **[Appointment]**

Resolution appointing Rebecca Anne Turner, term ending January 31, 2004 to the Mental Health Board.

Rebecca Anne Turner, succeeding Richard Nazzardini, resigned, seat 15, must be a health professional, for the unexpired portion of a three year term ending January 31, 2004.

Resolution No. 527-03
ADOPTED

031084 **[Appointment]**

Resolution appointing Walter DeVaughn, term ending September 30, 2005 to the Adult Day Health Care Planning Council.

Walter DeVaughn, succeeding himself, term expired, seat 1, must be a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for a three year term ending September 30, 2005.

Resolution No. 529-03
ADOPTED

31190 **[Appointment]**

Resolution appointing Marylouise Lovett, term ending March 31, 2004 to the Commission on Aging Advisory Council.

Marylouise Lovett, succeeding Reeva Olsen, resigned, seat 3, must be a nominee of Supervisor Maxwell for the unexpired portion of a two-year term ending March 31, 2004.

Resolution No. 537-03
ADOPTED

031199 **[Reappointment of Sunil Daluvoy to the Telecommunications Commission]**
Mayor

Resolution confirming the reappointment of Sunil Daluvoy to the Telecommunications Commission, term ending July 1, 2006. (Mayor)

Resolution No. 516-03
ADOPTED

031200 **[Reappointment of Kimberlee Bogen to the Telecommunications Commission]**
Mayor

Resolution confirming the reappointment of Kimberlee Bogen to the Telecommunications Commission, term ending July 1, 2006. (Mayor)

Resolution No. 517-03
ADOPTED

031231 **[Appointment]**

Resolution appointing Ellouise Patton, term ending September 4, 2006 to the Delinquency Prevention Commission.

Ellouise Patton, succeeding Enola Maxwell, deceased, seat 10, must be nominated by District 10 Supervisor for the unexpired portion of a 4-year term ending September 4, 2006.

Resolution No. 541-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031306 **[Adopting findings related to the conditional use appeal on property located at 40-50 Lansing Street]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0446CEV (which allowed the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152, and allowed the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749). (Clerk of the Board)

(Companion measure to Files 031037, 031038, 031039, 031040. 031090.)

Amended on page 3, line 15 to delete the word "two" and insert the word "three"; on page 3, after line 24 insert FURTHER MOVED, That the project sponsor guarantees the installation of street lighting on Guy Place and Lansing Street that is adequate to ensure safety and neighborhood character. This lighting shall meet all standards established by the San Francisco Public Utilities Commission, San Francisco Department of Public Works, Landmarks Preservation Advisory Board and San Francisco Planning Commission. This street lighting shall be operational prior to the completion of the project.

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Motion No. M03-132

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031335 **[Adopting findings related to the appeal of the CEQA determination by the Planning Department for the Secondary Unit Ordinance]**

Motion adopting findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act. (Clerk of the Board)

08/12/03 - Amended on page 1 line 11 to replace "030838" with "030896"; and on page 1, line 25 to replace "030838" with "030896".

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Motion No. M03-134

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

EW BUSINESS

Recommendations of the City Services Committee

031105 [Amending Police Code Sections 4302 and 4303 to Define Harassment]
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Dufty, Gonzalez, Hall, Newsom

Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.

(No fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma, Ammiano

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park; and urging the Department to improve bathroom facilities at the Park.

(No fiscal impact.)

Resolution No. 528-03
ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031138 [Liquor Licenses, 399 4th Street]
Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 5423 Geary Boulevard to 399 4th Street for Whole Foods Market California, Inc. dba "Whole Foods Market"(District 6), and issuance of a Type 42 on-sale beer and wine public premises license to the same applicant, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 530-03
ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Recommendation of the Finance and Audits Committee

030848 [General Assistance-In-kind Assistance]
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

Continued to September 16, 2003.

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Noes: 2 - Ammiano, Daly
Excused: 3 - Hall, Peskin, Sandoval

From the Finance and Audits Committee "Without Recommendation"

031361 [General Assistance-In-Kind Assistance; Department of Human Services Care Fund]
Supervisors Hall, Newsom

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003; and amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.

Supervisor McGoldrick dissenting.

Continued to September 16, 2003.

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Dufty, Ma, Maxwell, McGoldrick, Newsom
Noes: 3 - Ammiano, Daly, Gonzalez
Excused: 3 - Hall, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

031238 [Establishing a Department of Human Services Care Fund]
Supervisors Hall, Newsom, Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.

(Fiscal impact.)

Continued to September 16, 2003.

Supervisor Newsom, seconded by Supervisor Ma, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Dufty, Ma, Maxwell, McGoldrick, Newsom
Noes: 3 - Ammiano, Daly, Gonzalez
Excused: 3 - Hall, Peskin, Sandoval

031240 [Establishing Cash for Care Special Account]
Supervisor McGoldrick

Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.

(Fiscal impact.)

Continued to September 16, 2003.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031241 [Expanding Eligibility to Participate in Annual Joint Fundraising Drive]
Supervisor McGoldrick

Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.

Continued to September 16, 2003.

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031245 [Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]
Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031170 **[Airport Lease with U.S. Government for office space]**

Resolution approving, retroactive to November 1, 2002, a Lease with the U.S. Government for office space to be occupied by the Transportation Security Administration at the International Terminal. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 534-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Recommendations of the Land Use Committee

031211 **[Changing Official Width of Sidewalk]**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031202 **[Sublease Amendment with the John Stewart Company related to Treasure Island Housing]**
Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to change the premises, to adjust the rent schedule and to adjust the development fee. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 518-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031203 **[Sublease Amendment with Community Housing Partnership for Treasure Island Housing]**
Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 519-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

ecommendations of the Rules Committee

030483 **[Recognition of marriages, domestic partnerships and civil unions]**
Supervisors Daly, Dufty, Ammiano, Gonzalez, Peskin, McGoldrick, Newsom

Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

021951 **[Establishing Multi-disciplinary Task Force on Childhood Nutrition]**
Supervisors Maxwell, Hall, Dufty

Resolution establishing a multi-disciplinary task force on childhood nutrition and physical activity.

Amend on page 3, delete line 7 and replace it with "one (1) member who is a young person between the ages of 12 and 23"; and delete lines 14 and 15 and replace with "one (1) member from an organization helping all children regardless of physical, medical, or psychiatric disabilities obtain access to medical care and information."

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Resolution No. 522-03

ADOPTED AS AMENDED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

031209 **[Hearing - Ground Lease of Redevelopment Agency Land for Jordan Apartments]**

Hearing of persons interested in or objecting to proposed resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for $1.00 per year plus $129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for $2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households. (Clerk of the Board)

Speakers: Olson Lee, Redevelopment Agency

HEARD AT PUBLIC HEARING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

Committee of the Whole Rise and Report Without Recommendation

031208 [Ground Lease of Redevelopment Agency Land for Jordan Apartments]
Mayor

Resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for $1.00 per year plus $129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for $2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households.

(Fiscal impact.)

Resolution No. 538-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Supervisor Newsom Excused from Voting

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisor Gavin Newsom, at his request, because of possible conflict of interest, from voting on the following items: Files 031265, 031266, 031267, 031268, 031232, 031233, 031234, 031236, 031235. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031265 [Appeal, Mitigated Negative Declaration - 2026 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16595 adopted June 12, 2003, approving a mitigated negative declaration for the proposed development at 2026 Lombard Street.

(Appeal filed July 14, 2003 by Stephen M. Williams, Esq.; companion measure to Files 031266, 031267, 031268.)

Continued to September 16, 2003

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

031266 **[Affirming adoption of the negative declaration for 2026 Lombard Street]**
Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031267 **[Reversing adoption of the negative declaration for 2026 Lombard Street]**
Motion reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031268 **[Preparation of findings to reverse adoption of the negative declaration for 2026 Lombard Street]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street Project. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

031232 **[Public Hearing - Appeal, Conditional Use - 2026 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16596 dated June 12, 2003 approving a conditional use authorization, Case No. 2002.0497C, to allow the construction of an approximately 49,000 square foot 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet, pursuant to Planning Code Sections 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side between Fillmore and Webster Streets, Lot 025 in Assessor's Block 0492.

(Appeal filed July 14, 2003 by Stephen M. Williams, Esq. The project received a Preliminary Mitigated Negative Declaration (PMND) from the Planning Department on March 29, 2003. The PMND was appealed; Planning upheld the PMND on June 12, 2003; companion measure to Files 031232, 031233, 031234, 031235, 031236; District 2).

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

031233 **[Appeal, Conditional Use - 2026 Lombard Street]**

Motion approving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031234 **[Appeal, Conditional Use - 2026 Lombard Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031236 [Environmental Review - 2026 Lombard Street]

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2026 Lombard Street. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

031235 [Findings - 2026 Lombard Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Gavin Newsom Excused From Voting
Continued to September 16, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee, misuse of Library funds
Bruce Allison, Coalition on Homelessness, oppose finger imaging
Christine, comments on HJ Resolution 20
David Lopez, quality of life issues
Lisa Berger, concerns regarding confidentiality laws
Erin Evans, Act-up, concerns regarding Prop N and drug use

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

City as Defendant

Convene in Closed Session

Supervisor Ammiano, seconded by Supervisor Dufty, moved to convene in closed session;. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031347 **[Closed Session - Existing Litigation, City as Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which, in sum, plaintiff challenges the constitutionality of the City's Minority/Women/Local Business Utilization Program.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation listed below.

Schram Construction, Inc. v. San Francisco, S. F. Superior Court No. CGC 03 421249 (filed June 10, 2003) (City Attorney)

HEARD IN CLOSED SESSION by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:40 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:10 p.m. reconvened.

Calling the Roll

On the call of the roll, the following Supervisors were noted present:
Supervisors Daly, Dufty, Gonzalez, Ma, Maxwell, and Newsom.

Quorum present.

Supervisors Ammiano and McGoldrick noted present at 3:55 p.m.

Report on the Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in Attendance:
Supervisors Ammiano, Daly, Dufty, Gonzalez, McGoldrick, Ma, Maxwell, and Newsom.

Ted Lakey, Deputy City Attorney
Theresa Stricker, Deputy City Attorney
Buck Delventhal, Deputy City Attorney
Virginia Harmon, Director, Human Rights
Michael Leong
Hank Ibser
Kay Gulbengay, Acting Clerk of the Board, Board of Supervisors
Mary Red, Acting Deputy Clerk, Board of Supervisors

Meeting was informational only and no action was taken.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Ammiano, seconded by Supervisor Dufty, moved. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031328 **[Commending SF Clean City Coalition, SF Chamber of Commerce and the Department of Public Works]**
Supervisors Dufty, Ma, Newsom

Resolution commending the creation of a public-private partnership between the San Francisco Clean City Coalition, the San Francisco Chamber of Commerce and the Department of Public Works (DPW) for the development of an innovative performance evaluation program called StreetFacts. The Board of Supervisors encourages the Mayor, DPW, other city agencies, the San Francisco Clean City Coalition, and the San Francisco Chamber of Commerce to partner in the collection of StreetFacts data and in developing strategies towards the overall improvement of street cleanliness, beauty, and safety in San Francisco.

Resolution No. 542-03
ADOPTED

031329 **[Controller's Office to conduct comprehensive surveys regarding the effects of health and human service budget cuts]**
Supervisors Dufty, Daly, Ma

Resolution requesting the City Controller's Office to conduct comprehensive surveys on the effect of any proposed and final health and human service budget cuts on San Franciscans receiving services from both faith and community-based non-profit contractors as well as City agencies, and on the alternatives to such services and the populations most affected by these service cuts.

Resolution No. 543-03
ADOPTED

031331 **[Opposing Proposition 54]**
Supervisors Sandoval, Ammiano, Gonzalez, Dufty, Daly, McGoldrick, Ma, Newsom

Resolution opposing Proposition 54 on the October 7, 2003 ballot which would bar most state agencies from collecting individual racial and ethnic data.

Resolution No. 544-03
ADOPTED

031355 **[Revenue bonds for the 601 King Street Apartments]**
Supervisors Maxwell, Daly

Resolution authorizing the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporation in an aggregate principal amount not to exceed $49,800,000 for the 601 King Street Apartments.

Resolution No. 521-03
ADOPTED

031356 **[Multifamily housing revenue bonds for the Project as defined herein]**
Supervisor Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $30,000,000 for the Project (as defined herein).

Resolution No. 520-03
ADOPTED

31358 [Commending Cathay Post No. 384]
Supervisors Sandoval, McGoldrick, Ma

Resolution commending the Cathay Post No. 384 for increasing awareness about issues concerning Chinese American veterans and bringing recognition to their military service achievements.

Resolution No. 545-03
ADOPTED

031359 ["Know your Rights Day"]
Supervisors Sandoval, Daly, McGoldrick, Ma, Peskin

Resolution urging the Board of Education to integrate a 'Know Your Rights Day' intended to educate students about their rights, into the San Francisco Unified School District's (SFUSD) schedule.

Resolution No. 546-03
ADOPTED

031309 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-133
APPROVED

031350 [Final Map for a 5 Unit Residential Condominium Project]
Motion approving Final Map of 1171 Oak Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 1218, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,300; District 8.)

Motion No. M03-135
APPROVED

031351 [Final Map for a 51 Unit Live/Work Condominium Project]
Motion approving Final Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project, being a subdivision of Lot 165 in Assessor's Block No. 3787, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,302; District 6.)

Motion No. M03-136
APPROVED

031352 **[Final Map for a 24 Unit Live/Work Condominium Project]**

Motion approving Final Map of 599 3rd Street, a Live/Work Condominium Project, being a subdivision of Lot 23 in Assessor's Block No. 3775, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,301; District 6.)

Motion No. M03-137

APPROVED

031353 **[Final Map for an 8 Unit Live/Work Condominium Project]**

Motion approving Final Map of 1025 Minna Street, a Live/Work Condominium Project, being a subdivision of Lot 110, Assessor's Block No. 3511, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient, DPW Order No. 174,307; District 6.)

Motion No. M03-138

APPROVED

031354 **[Final Map for a 16 Unit Residential Condominium Project]**

Motion approving Final Map of 300 Linden Avenue, a Residential Condominium Project, being a subdivision of Lot 48, Assessor's Block No. 817, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,299; District 6.)

Motion No. M03-139

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

Severed From Without Reference to Committee Agenda

Supervisor Gonzalez requested that this matter be severed so that it could be considered separately.

031330 **[Waiver Permitting City Employees to Assist the Department of Elections]**
Supervisor Gonzalez

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.

Continued to August 19, 2003

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Daly, moved ADOPTION of the commendatory. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Daly, moved ADOPTION of the Brown Act findings. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

031398 **[Commending San Francisco Police Inspectors]**

Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution commending San Francisco Police Inspectors Lea Militello and Pat Correa for exemplary courage on duty while under attack.

Resolution No. 547-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031395 **[Funding from the General Reserve and re-appropriate salaries to fund the October 2003 Recall Election]**
Mayor

Ordinance appropriating $3,520,300 from the General Fund Reserve and re-appropriating $150,000 of permanent salaries for a total of $3,670,300 for temporary salaries, overtime, fringe benefits, non personal services, materials and supplies, and services of other departments associated with the October 2003 recall election for Elections Department for fiscal year 2003-2004.
8/12/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031396 **[Appropriate funding to offset the loss of parking revenue for not charging parking in Golden Gate Park]**
Supervisor Daly

Ordinance appropriating $500,000 from the General Fund Reserve and rescinding $700,000 in parking revenues and $200,000 of professional services to offset the loss of parking revenue for not charging for parking in Golden Gate Park for Recreation and Parks Department for fiscal year 2003-2004.
8/12/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031399 **[Stow Lake and Spreckels Lake restoration, sole source contract]**
Mayor, Supervisor Hall

Ordinance authorizing the Recreation and Park Department to negotiate and enter into a sole-source contract with Aquatic Environments, Inc., Alamo, California, to dredge Stow Lake and Spreckels Lake, install aeration and circulation equipment and repair the Lake edge.
8/13/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031400 **[MOU Amendment No 1 - International Brotherhood of Electrical Workers, Local 6]**
Mayor

Ordinance adopting and implementing Amendment No. 1 to the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, by adding paragraph 149a, which provides for a premium to certain classes providing signal operations at the Department of Parking and Traffic, which was inadvertently omitted from the MOU, to be effective July 1, 2003 through June 30, 2005.
8/12/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31401 [Improving coordination between the San Francisco Police Department and the Office of Citizen Complaints]
Supervisor Gonzalez

Ordinance amending the Administrative Code by adding a new Chapter 96, establishing requirements governing the authority and duties of the Police Department, the Office of Citizen Complaints and the Police Commission with respect to investigations by the Office of Citizen Complaints, including reporting on the status of sustained cases, minimum requirements for disclosure of documents by the Police Department, providing the Office of Citizen Complaints with subpoena power against third parties, imposing training requirements for police officers on whistleblower protection laws, and for police commissioners on public safety officer discipline, and adding uncodified provisions to require the Police Commission to consider revisions to the Early Warning System and study restricting promotions for officers disciplined for misconduct; require the Police Department and the Office of Citizen Complaints to meet and report on the development of a shared case tracking system; and require current police commissioners to receive training on public safety officer discipline.

(Public Benefit Recipient.)
8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

031402 [Extension of the First Source Hiring Program]
Supervisors Maxwell, Dufty, Newsom, Ammiano, McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 83.18 to extend the expiration date of the provisions of the First Source Hiring Program by one year.
3/12/03, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the August 21, 2003 meeting, and then be submitted to the full Board as a committee report for the August 26, 2003 meeting.

031406 [Building Code - Technical Corrections/Clarifications]
Supervisor Daly

Ordinance amending the Building Code to effect technical corrections/ clarifications to Section 3102.8, by adding provisions previously included in the Code regarding woodburning appliances, Section 101.20, by adding provisions previously included in the Code regarding the operation of the Central Permit Bureau, Section 106.1, by deleting provisions regarding permit requirements that were previously removed from the Code, Section 106.3.2, by adding provisions previously included in the Code regarding submittal documents for permit applications, Section 103.3.1, 103.3.2, 103.3.3, 103.3.4, and 103.3.5 by deleting provisions regarding unlawful residential demolition and adding the provisions regarding unlawful residential demolition that were previously included in the Code, Section 205 by deleting the definition of demolition, by amending Figure 16B-1, Sections 105.4.2, 105.4.3.1, 107.1.1, 108.5.6, 1003.3.3.2, 1001A, 1304.A.1, 1307A.2, 1311A.1, 1313A.3, 1314A.2, 1316A.1, 1308A.3, 1605.4.3, 1604B.2.3, 1605B.3, 1605B.8, 1606B, 1604C, 1608C.5, 1611C.3.1, 1611C.4.2, 1611C.6.1, 1611C.6.2, 1611C.2.2.2, Table 16C-D, 1701.5, 3403.2.1.2, 3407.1, 3407.2.3, 3407.4.3, 3407.5.3.4, 3407.5.3.5, 3408.3.2, 1605.4.3, 1605.5, 106.4.4, 409.9.1, 1602C.6.1, 1602C.6.2, 3303.9.2, 3403.2.1.1, and 1605.4.1 to correct typographical errors, and making findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.
8/12/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/11/2003.

031407 [Workforce Housing Initiative]
Supervisor Newsom

Draft ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended as follows and that the following actions be taken in furtherance of those amendments and that this ordinance be referred to as the "Workforce Housing Initiative".
8/13/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/11/2003.

Resolutions

031403 [Lease of Real Property]
Supervisors Ammiano, Dufty

Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 401, for continued use by the Department of Public Health, STD Program Administrative Headquarters. (Real Estate Department)

(Public Benefit Recipient.)

031404 [Development of Property Located at Broadway and Battery Streets For Affordable Housing]
Mayor, Supervisors Peskin, Dufty

Resolution authorizing the mayor's office of housing to enter into a lease disposition and development agreement and below market long-term ground lease with Chinatown Community Development Center, a nonprofit public benefit corporation, for the development of affordable housing, together with a child care center, neighborhood-serving commercial space, and associated parking on real property located on the south side of Broadway between Battery and Front streets; affirming the Planning Commission's adoption of the mitigated negative declaration for the project; adopting environmental findings under the California Environmental Quality Act; and adopting findings that the project is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1

(Public Benefit Recipient.)
8/12/03, RECEIVED AND ASSIGNED to Land Use Committee. The Mayor submitted a substitute resolution bearing same title.

031416 [Acknowledging the California Supreme Court's ruling on Gay Adoptions]
Supervisors Ammiano, Dufty, McGoldrick, Newsom

Resolution congratulating and thanking the California Supreme Court for their sound public policy towards the needs of children by affirming second-parent adoptions.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

)31417 [Accept-Expend Grant]
Supervisors Ammiano, Dufty

Resolution authorizing the Human Rights Commission to accept and expend a grant in the amount of $26,000 from the Friends of the Human Rights Commission for the development of an internal database and external searchable web application for the purpose of gathering, sorting and displaying information on insurance companies throughout the United States that offer domestic partner insurance products.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031418 [Evaluation of the fire and medical rescue needs of San Francisco]
Supervisors Gonzalez, Newsom

Resolution authorizing the City Controller to perform an evaluation of the fire and medical rescue needs of San Francisco.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031419 [Encouraging telecommunication companies to invest in the local communities to whom they provide service]
Supervisor Gonzalez

Resolution endorsing policies to encourage investment in local telecommunications services in California, investment in local communities, and increased employment opportunities.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031420 [Honoring community leader Robert Hector]
Supervisors Gonzalez, Dufty

Resolution declaring September 25th Robert Hector Day in commemoration of Robert Hector's lifetime dedication to providing children, youth and their families social, educational and recreational services in the City and County of San Francisco.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031421 [Authorizing consulting firm to examine confidential State Board of Equalization tax records]
Supervisor Maxwell

Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031422 [Memorandum of Understanding between CCSF and CEC]
Supervisor Maxwell

Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the California Energy Commission (CEC) to obtain support from the CEC for the implementation of the City's renewable energy, energy efficiency and distributed generation goals; and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act as co-leads for this agreement between CCSF and the CEC.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031423 [Commending San Francisco International Arts Festival 2003]
Supervisors Newsom, Dufty

Resolution commending the San Francisco International Arts Festival 2003 collaborative project members and the Yerba Buena Center for the Arts for presenting this year's festival from September 4th through September 21st in the City and County of San Francisco.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031357 [Confirming the appointment of Wilbert Din to the Municipal Transportation Agency Board of Directors]
Mayor

Resolution confirming the appointment of Wilbert Din to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007.
8/6/03, RECEIVED AND ASSIGNED to Rules Committee.

Requests For Hearing

031397 [Firefighter Safety Technology]
Supervisor Dufty

Hearing to consider new firefighter safety technology that is being adopted as a best practice in other California cities and across the nation.
8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

031408 [Police Department's Crime Reporting System]
Supervisor Maxwell

Hearing on the Police Department's crime reporting system: (1) How effective is the current system compared to cities similar to San Francisco? (2) In particular, what mechanism/s are available for San Francisco Residents to report crime? (3) How can we improve it to make it more accessible and user-friendly? (4) How does the Police Department gather and use this information?
8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

)31409 **[Education Program]**
Supervisors Newsom, Dufty

Hearing to discern the possibility of the San Francisco officials working with UC representatives to discusss ways to save the education program.
8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

031410 **[Public Utilities Commission's Agreement No. CS-524]**
Supervisor Peskin

Hearing regarding Public Utilities Commission's continuation of Agreement No. CS-524, Program Management Services, with the Water Infrastructure Partners (WIP) with a report from Harlan Kelly of the Public Utilities Commission.
8/12/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Motions

031411 **[Legislative Analyst Request - Cell Phone Antennae Installation Moratorium]**
Supervisor Sandoval

Motion requesting the Legislative Analyst to review, analyze, and make recommendations to the Board of Supervisors, regarding the feasibility of enacting a cell phone antennae installation moratorium until the City has reviewed and updated existing Planning Deparment's Wireless Telecommunications Services (WTS) Facilities Guidelines.
8/12/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 19, 2003.

031412 **[Legislative Analyst Request - San Francisco Police Department's Crime Reporting System]**
Supervisors Maxwell, Newsom

Motion requesting the Legislative Analyst to research and examine the San Francisco Police Department's crime reporting system. How effective is the current system compared to cities similar to San Francisco, such as but not limited to San Jose, Austin and New York? What mechanism/s are available for San Francisco residents to report crime? How is the information gathered and used? The sponsor asks the Legislative Analyst to make recommendations on how to improve the current reporting system and how we can make better use of information gathered.
8/12/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 19, 2003.

031413 **[Legislative Analyst Request - Foster Care System Models]**
Supervisor Maxwell

Motion requesting the Legislative Analyst to research on successful foster care system models in municipalities similar to San Francisco. In particular, identify incentives/support programs that have proven successful for foster parents. The report should also examine the scope of services provided, the number of children/youth served, and the cost and funding resources for such programs.
8/12/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 19, 2003.

031414 **[Legislative Analyst Request - Department of Children, Youth and Their Families]**
Supervisor Newsom

Motion directing the Office of the Legislative Analyst (OLA) to conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services.
8/12/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 19, 2003.

031424 **[Department of Children, Youth and Their Families Management Audit]**
Supervisor Newsom

Motion directing the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families.
8/12/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment

031405 **[Charter Amendment - Establishing a Public Education Fund]**
Supervisors Ammiano, Dufty

Charter amendment (First Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Fund.

(Fiscal impact.)
8/12/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/11/2003.

PROPOSED ORDINANCES

031333 **[Making Environmental Findings and Increasing Street Artist Certificate Fee]**
Ordinance making required environmental findings and amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2404.2 to clarify the fee setting procedure. (Arts Commission)
7/30/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.
8/6/03, RESPONSE RECEIVED. Statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273(a), Rates, Tolls, Fares and Charges.

031338 **[Settlement of Lawsuit - Bellaire Tower Homeowners Association]**
Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for $83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)
8/4/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

031253 **[Contracting out Convention Facilities management, operation and maintenance services]**

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees. (Administrative Services Department)

7/23/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031270 **[Contracting out Paratransit Services]**

Resolution concurring with the Controller's determination that paratransit services for the Munucipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Public Transportation Commission)

(Public Benefit Recipient.)

7/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031271 **[Grant of Easements in Santa Clara County]**

Resolution authorizing the grant of easements to the Santa Clara Valley Transportation Authority over property in the County of Santa Clara under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution; and ratifying acts and authorizing actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

7/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031285 **[Grant of Easements in San Mateo County]**

Resolution authorizing a grant of easements to the State of California over property in the County of San Mateo under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

7/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031307 **[Extending provisional appointments]**

Resolution approving extension to June 30, 2004 of provisional appointments of employees in classifications 1270 Departmental Personnel Officer, 1272 Senior Departmental Personnel Officer, 1458 Legal Secretary I, 1460 Legal Secretary II, 1820 Junior Administrative Analyst, and 1932 Assistant Storekeeper. (Human Resources Department)

(No Public Benefit Recipient.)

7/24/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031332 **[Real Property License Agreement]**

Resolution authorizing a City-wide 800 MHz Radio System license agreement at the VA Medical Center, 4150 Clement Street, San Francisco for the Emergency Communications Department. (Real Estate Department)

(Public Benefit Recipient.)
7/30/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031334 **[Lease of Real Property]**

Resolution authorizing a lease renewal of 1,496 sq. ft. for an Optometrist Office at 34 Van Ness Avenue, a City owned building commonly known as 30 Van Ness. (Real Estate Department)

(Public Benefit Recipient.)
7/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031336 **[Study of at-risk and HIV positive youth in San Francisco]**
Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $19,800 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to participate in a study of at-risk and HIV positive youth in San Francisco, for the period of March 1, 2003, to February 29, 2004. (Public Health Department)

(No Public Benefit Recipient.)
8/1/03, RECEIVED AND ASSIGNED to City Services Committee.

031337 **[Emergency Medical Services Fund Reimbursement]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, Emergency Medical Services (SFDPH, EMS) to accept and expend retroactively funds in the amount of $920,650 from the Emergency Medical Services Fund (EMSF) to reimburse providers for emergency medical services rendered during the period of July 1, 2002 to June 30, 2004, and for administrative costs associated with this program. (Public Health Department)

(No Public Benefit Recipient.)
7/31/03, RECEIVED AND ASSIGNED to City Services Committee.

031339 **[Lease of Real Property]**

Resolution authorizing the renewal of a lease of real property at 755 and 759 South Van Ness Avenue for continued use by the Department of Public Health, Community Behavioral Health Services. (Real Estate Department)

(Public Benefit Recipient.)
8/4/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

equests Granted

From: Supervisor Newsom
To: Department of Children Youth and Their Families
Requesting/Inquiring: Please report on the following:

1. What are the current funding levels dedicated from the Children's Fund and the General Fund respectively for each of the departmental four quality of life benchmarks?
2. What are the funding levels for each of the benchmarks by the following three age groups: (0-5), (6-13) and (14-18)?
3. What, if any, is the current role of the Mayor's Children's Cabinet in the overall planning efforts by DCYF?
4. In your departmental planning efforts, what do you propose for eliminating duplication of services and/or identifying gaps in services or community needs where monies may be redirected?
5. To what extent do you coordinate interdepartmentally in order to best leverage local resources, in particular, mandated resources such as the Children's Baseline and the Children's Fund?

From: Supervisor Daly
To: Director, Human Services
Director, Public Health
Requesting/Inquiring: Please advise on any changes to the Medi-Cal Eligibility rules pursuant to state regulation (see attached). Also, please advise on any efforts San Francisco is making to continue San Franciscans enrollment in Medi-Cal.

n Memoriams

Alex Gong (Entire Board)
Christopher Smith (Supervisor Dufty)
Robert C. Moyce (Supervisor Dufty)
Al Corona (Supervisor Dufty)
Carol Nelson (Supervisors Dufty, Maxwell)
Juanita Turner (Supervisor Gonzalez)
Mary Anne Bulen (Supervisor Gonzalez)
Michael Francis Dowling (Supervisor Ma)
Andrea Martin (Supervisor Newsom)

ADJOURNMENT

There being no further business, the Board at the hour of 4:27 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 16, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, August 19, 2003 2:00 PM
Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 PM
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 98 Number 29

Members Present: Tom Ammiano, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Jake McGoldrick, Gavin Newsom, Aaron Peskin.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Daly, Maxwell and Sandoval - 3
Quorum present.

Supervisors Daly, Maxwell, and Sandoval were excused from attending today's meeting. (See Infra)

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Newsom, moved to approve July 8, 2003 and July 15, 2003. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Supervisors Excused from Attendance

Supervisor Peskin, seconded by Supervisor Ammiano, moved to excuse Supervisors Daly, Maxwell and Sandoval from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

CONSENT AGENDA

Recommendation of the City Services Committee

031105 **[Amending Police Code Sections 4302 and 4303 to Define Harassment]**
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Dufty, Gonzalez, Hall, Newsom

Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.

(No fiscal impact.)

Ordinance No. 214-03
FINALLY PASSED

Recommendation of the Finance and Audits Committee

031245 **[Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]**
Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision. (Mayor)

Ordinance No. 218-03
FINALLY PASSED

Recommendations of the Land Use Committee

031211 **[Changing Official Width of Sidewalk]**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

Ordinance No. 217-03
FINALLY PASSED

031318 **[Grant of Federal Funds - Municipal Transportation Agency]**
Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend $22,447,850 of Federal Discretionary Capital Assistance for construction of the Third Street Corridor Track/Maintenance Facility project, excluding administrative overhead costs.

(No Public Benefit Recipient.)

Resolution No. 548-03
ADOPTED

Recommendations of the Rules Committee

031078 **[Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for $80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 212-03
FINALLY PASSED

031079 **[Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for $105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 213-03
FINALLY PASSED

031177 **[Settlement of Lawsuit - John Eiler]**

Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for $300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 215-03
FINALLY PASSED

031179 **[Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]**

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed $155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 216-03
FINALLY PASSED

031338 [Settlement of Lawsuit - Bellaire Tower Homeowners Association]

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for $83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031254 [Settlement of Lawsuit - Evelyn Mata]

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for $50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031047 [Appointment]

Resolution appointing Richard Ow and Jose Ricardo Bondoc, terms ending June 6, 2005 to the Immigrant Rights Commission.

Richard Ow, succeeding Emi Gusukuma, term expired, seat 6, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.
Jose Ricardo Bondoc, succeeding Joseph Nwadibia, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Resolution No. 550-03
ADOPTED

031341 [Appointment]

Resolution appointing Kathy Perry, term ending June 30, 2005, to the Asthma Task Force.

Kathy Perry, succeeding Carolyn Noble, resigned, seat 9, must be a representative of a hospital association or health care provider institution and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

Resolution No. 553-03
ADOPTED

031343 **[Appointment]**

Resolution appointing Alec Lambie, Gordon Huseby, Hayes Miles and David Wilbur terms ending September 4, 2006 to the Assessment Appeals Board No. 1.

Alec Lambie, succeeding himself, term expired, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.
Gordon Huseby, succeeding Frank Mahoney, III, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.
Hayes Miles, succeeding himself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.
David Wilbur, succeeding Donald Kavanagh, term expired, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Resolution No. 554-03
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Severed from Consent Agenda

Supervisor Peskin requested that this matter be severed so that it could be considered separately.

030483 **[Recognition of marriages, domestic partnerships and civil unions]**
Supervisors Daly, Dufty, Ammiano, Gonzalez, Peskin, McGoldrick, Newsom

Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Supervisor Peskin requested to sever this matter so that it could be considered separately

031346 **[Appointment]**

Resolution appointing Adrienne Lacau, John McGary, Donna Crowder and Richard Lee, terms expiring September 4, 2006 to the Assessment Appeals Board No. 2.

Adrienne Lacau, succeeding herself, term expired, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.
John McGary, succeeding himself, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.
Donna Crowder, succeeding herself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.
Richard Lee, succeeding Steven Cox, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Supervisor Peskin, seconded by Supervisor Ammiano, moved to continue this matter to September 16, 2003.

Motion failed by the following vote:
Ayes: 3 - Ammiano, Gonzalez, Peskin
Noes: 5 - Dufty, Hall, Ma, McGoldrick, Newsom
Excused: 3 - Daly, Maxwell, Sandoval

Resolution No. 555-03

ADOPTED by the following vote:

Ayes: 6 - Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom
Noes: 2 - Ammiano, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

UNFINISHED BUSINESS

REGULAR AGENDA

From the Clerk

031376 [Adopting findings related to the conditional use appeal on the PG&E Transformer Station located on the 3400 Block of 19th Street]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0575C (which approved the installation of six panel antennas and related back-up equipment on the PG&E Transformer Station within an RH-3 (Residential House, Three-Family) District and a 50-X Height and Bulk District) located at the south side of the 3400 Block of 19th Street (Lot 104 in Assessor's Block 3596). (Clerk of the Board)

(Companion measure to Files 030553, 030554, 030555, 030556.)

Motion No. M03-141

APPROVED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031377 [Adopting findings related to the conditional use appeal on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0657C (which approved the installation of a total of eight panel antennas and related equipment on the roof of an existing commercial building as part of Verizon's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District) on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets (Lot 004 in Assessor's Block 0445A). (Clerk of the Board)

(Companion measure to Files 030956, 030957, 030958, 030959.)

Motion No. M03-142

APPROVED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

031244 [Glen Park Branch Library]
Supervisor Dufty

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031315 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031316 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031255 [Extension of Agreement For Additional Eighteen-Month Tolling of Statute of Limitations Governing Administrative Proceeding or Suit]

Resolution approving the City Attorney's entry into a Second Extension of Tolling Agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resources Site Steering Committee, effective June 6, 2003.

(No Public Benefit Recipient.)

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Resolution be TABLED. The motion carried by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031278 **[Accept-Expend Federal Grant, Department of Parking and Traffic]**
Mayor, Supervisor Newsom

Resolution authorizing the Department of Parking and Traffic to retroactively apply for, accept and expend a grant in the amount of up to $560,000 from the Federal Highway Administration with required local match of up to $142,000 for pedestrian safety improvements, education, and evaluation under Phase 2 of an ongoing project. (Mayor)

Resolution No. 549-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

From the Finance and Audits Committee "Without Recommendation"

031181 **[Emergency Repair, 30 Van Ness Avenue Roof Replacement]**
Resolution concurring with and supporting the Director of the Department of Real Estate's finding and declaration of an emergency; urging the Departments of Real Estate and Public Works to take necessary measures in the most expeditious manner to protect the safety, health, welfare, and property of the citizens and employees of the City and County of San Francisco with regard to the severe leakage and drainage problems caused by the failing roof at 30 Van Ness Avenue, at an estimated cost of $1.1 million for a new roof. (Public Works Department)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 551-03

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Recommendation of the Land Use Committee

031213 **[Amending Residential Rent Stabilization and Arbitration Ordinance]**
Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another. (Rent Stabilization and Arbitration Board)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

PECIAL ORDER 3:30 P.M.
Recognition of Commendations

Recess

The Board recessed at the hour of 3:15 p.m.

Reconvening of the Board

The Board at the hour of 4:08 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Dufty, Gonzalez, Ma, McGoldrick, Peskin - 6

Quorum present.

Supervisor Hall noted present at 4:11 p.m.

SPECIAL ORDER 4:00 P.M.

30942 **[Hearing - Vacation Easements within the Mission Bay North Redevelopment Project Area]**
Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance. (Clerk of the Board)

(Companion measure to Files 030940, 030941.)

Representative from Department of Public Works
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From Land Use Committee "Without Recommendation"

030941 **[Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]**

Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,111.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

SPECIAL ORDER 4:00 P.M.

030949 **[Hearing - Vacation of portion of Berry Street at Sixth Street]**

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance. (Clerk of the Board)

(Companion measure to Files 030947, 030948.)

Representative from Department of Public Works

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From Land Use Committee "Without Recommendation"

030948 [Ordering vacation of portion of Berry Street at Sixth Street and approving a Property Exchange Agreement in Mission Bay North]

Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,110.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

COMMITTEE REPORTS

From the City Services Committee

'31252 [San Francisco Liberation Radio 93.7 FM and diversity in media ownership]
Supervisors Gonzalez, Daly, Dufty, Ammiano, Peskin, Maxwell

Resolution supporting San Francisco Liberation Radio 93.7 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.

Supervisor Ma, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Resolution No. 552-03

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; Public Library
Female Speaker; HR 20
Ernestine Weiss; opposed to condominium project Washington Street
Charlotte Hash; SF Liberation Radio
Chris Bauman; Department of Election's issues
Female Speaker; complimented Supervisor Ammiano
Male Speaker; general issues
Richard Boardman; general issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

031411 **[Legislative Analyst Request - Cell Phone Antennae Installation Moratorium]**
Supervisor Sandoval

Motion requesting the Legislative Analyst to review, analyze, and make recommendations to the Board of Supervisors, regarding the feasibility of enacting a cell phone antennae installation moratorium until the City has reviewed and updated existing Planning Deparment's Wireless Telecommunications Services (WTS) Facilities Guidelines.

APPROVED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031412 **[Legislative Analyst Request - San Francisco Police Department's Crime Reporting System]**
Supervisors Maxwell, Newsom

Motion requesting the Legislative Analyst to research and examine the San Francisco Police Department's crime reporting system. How effective is the current system compared to cities similar to San Francisco, such as but not limited to San Jose, Austin and New York? What mechanism/s are available for San Francisco residents to report crime? How is the information gathered and used? The sponsor asks the Legislative Analyst to make recommendations on how to improve the current reporting system and how we can make better use of information gathered.

APPROVED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

31413 **[Legislative Analyst Request - Foster Care System Models]**
Supervisor Maxwell

Motion requesting the Legislative Analyst to research on successful foster care system models in municipalities similar to San Francisco. In particular, identify incentives/support programs that have proven successful for foster parents. The report should also examine the scope of services provided, the number of children/youth served, and the cost and funding resources for such programs.

APPROVED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

031414 **[Legislative Analyst Request - Department of Children, Youth and Their Families]**
Supervisor Newsom

Motion directing the Office of the Legislative Analyst (OLA) to conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services.

Motion No. M03-144
APPROVED by the following vote:
Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031330 **[Waiver Permitting City Employees to Assist the Department of Elections]**
Supervisor Gonzalez

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.

Motion No. M03-140
APPROVED

031417 **[Accept-Expend Grant]**
Supervisors Ammiano, Dufty

Resolution authorizing the Human Rights Commission to accept and expend a grant in the amount of $26,000 from the Friends of the Human Rights Commission for the development of an internal database and external searchable web application for the purpose of gathering, sorting and displaying information on insurance companies throughout the United States that offer domestic partner insurance products.

Resolution No. 557-03
ADOPTED

031418 **[Evaluation of the fire and medical rescue needs of San Francisco]**
Supervisors Gonzalez, Newsom

Resolution authorizing the City Controller to perform an evaluation of the fire and medical rescue needs of San Francisco.

Resolution No. 558-03
ADOPTED

031419 **[Encouraging telecommunication companies to invest in the local communities to whom they provide service]**
Supervisor Gonzalez

Resolution endorsing policies to encourage investment in local telecommunications services in California, investment in local communities, and increased employment opportunities.

Resolution No. 559-03
ADOPTED

031420 **[Honoring community leader Robert Hector]**
Supervisors Gonzalez, Dufty

Resolution declaring September 25th Robert Hector Day in commemoration of Robert Hector's lifetime dedication to providing children, youth and their families social, educational and recreational services in the City and County of San Francisco.

Resolution No. 560-03
ADOPTED

031422 **[Memorandum of Understanding between CCSF and CEC]**
Supervisor Maxwell

Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the California Energy Commission (CEC) to obtain support from the CEC for the implementation of the City's renewable energy, energy efficiency and distributed generation goals; and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act as co-leads for this agreement between CCSF and the CEC.

Resolution No. 561-03
ADOPTED

031423 **[Commending San Francisco International Arts Festival 2003]**
Supervisors Newsom, Dufty

Resolution commending the San Francisco International Arts Festival 2003 collaborative project members and the Yerba Buena Center for the Arts for presenting this year's festival from September 4th through September 21st in the City and County of San Francisco.

Resolution No. 562-03
ADOPTED

31378 **[Final Map for a 5 Unit Residential Condominium Project]**

Motion approving Final Map of 1151 Church Street, A Residential Condominium Project, being a subdivision of Lot 29 in Assessor's Block No. 3650, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,308; District 8.)

Motion No. M03-143

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

Severed from Without Reference Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it could be considered separately.

031416 **[Acknowledging the California Supreme Court's ruling on Gay Adoptions]**

Supervisors Ammiano, Dufty, McGoldrick, Newsom

Resolution congratulating and thanking the California Supreme Court for their sound public policy towards the needs of children by affirming second-parent adoptions.

Resolution No. 556-03

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

Supervisor McGoldrick requested that this matter be severed so that it could be considered separately.

031421 **[Authorizing consulting firm to examine confidential State Board of Equalization tax records]**

Supervisor Maxwell

Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.

Continued to August 26, 2003

CONTINUED by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

Supervisor Peskin requested that this matter be severed so that it could be considered separately.

031424 [Department of Children, Youth and Their Families Management Audit]
Supervisor Newsom

Motion directing the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families.

Amended on page 1, line 3, by replacing "directing" with "requesting" and on line 22, by replacing "direct" with "requests"

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

Motion No. M03-145

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031457 [Introducing General Obligation Bond proposals 168 days before election]
Supervisor Gonzalez

Ordinance amending Section 2.31 of the Administrative Code to require that resolutions of necessity for proposed general obligation bonds must be introduced at the Board of Supervisors not less than 168 days before the election at which the voters could consider the proposed bond measure, rather than 169 days before the election.
8/19/03, RECEIVED AND ASSIGNED to Rules Committee.

031462 [Appropriate funding for the Day Laborer Program]
Supervisor Ammiano

Ordinance re-appropriating $75,000 from FY 2002-2003 and $90,000 FY 2003-2004 from the Mayor's Office to the Immigrant Rights Commission, Administrative Services Department, to fund the Day Laborer Program for fiscal year 2003-04.
8/19/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31463 **[Zoning - Large-scale Retail Use]**
Supervisors Ammiano, Dufty

Ordinance amending the Planning Code to add section 121.6 to impose a conditional use requirement and other specified procedures for certain large-scale retail uses in excess of 90,000 square feet and to prohibit such uses if they are in excess of 120,000 square feet.
8/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

031466 **[Creating Exemption for Administrative Fee for Provision of Additional Police Services Pursuant to Administrative Code Section 10B.2.]]**
Supervisor Peskin

Ordinance amending San Francisco Police Code Section 10B.2 to create an exception for payment of an administrative fee for contracting for additional police services.
8/19/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031467 **[Amending fees for Declarations of Domestic Partnership and amendments to a Declaration of Domestic Partnership]**
Mayor

Ordinance amending Administrative Code Sections 8.33.1, 62.8 and 62.9 to provide that the County Clerk may impose a $40 filing fee for all Declarations of Domestic Partnership and all Amendments to a Declaration of Domestic Partnership, and to provide for annual adjustment of those fees and of the fees for domestic partnership ceremonies to reflect changes in the Consumer Price Index.
8/19/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

031404 **[Development of Property Located at Broadway and Battery Streets For Affordable Housing]**
Mayor, Supervisors Peskin, Dufty

Resolution authorizing the Mayor's Office of Housing to enter into a lease disposition and development agreement and below market long-term ground lease with Chinatown Community Development Center, a nonprofit public benefit corporation, for the development of affordable housing, together with a child care center, neighborhood-serving commercial space, and associated parking on real property located on the south side of Broadway between Battery and Front streets; affirming the Planning Commission's adoption of the mitigated negative declaration for the project; adopting environmental findings under the California Environmental Quality Act; and adopting findings that the project is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Fiscal impact; Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee. The Mayor submitted a substitute resolution bearing same title.

8/19/03, SUBSTITUTED.

8/19/03, ASSIGNED to Land Use Committee.

031460 [Confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency]
Mayor

Resolution confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency for a four-year term ending September 03, 2007.
8/19/03, RECEIVED AND ASSIGNED to Rules Committee.

031461 [Confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency]
Mayor

Resolution confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2007.
8/19/03, RECEIVED AND ASSIGNED to Rules Committee.

031464 [Jurisdictional Transfer]
Mayor, Supervisors Peskin, Dufty

Resolution transferring jurisdiction from the Department of Public Works to the Mayor's Office of Housing Real Property Identified as Assessor's Block 141, Lot 11 for the development of affordable housing; and adopting findings pursuant to City Planning Code Section 101.1.

(Companion measure to File 031404.)
8/18/03, RECEIVED AND ASSIGNED to Land Use Committee.

031465 [Grant of Federal Funds]
Mayor

Resolution authorizing the Municipal Transportation Agency Board to accept and expend $48,094,526 of Federal Formula Section 5307 and Surface Transportation Program (STP) Capital Assistance for San Francisco Capital Projects and activities, excluding Administrative Overhead Costs.

(No Public Benefit Recipient.)
8/19/03, RECEIVED AND ASSIGNED to Land Use Committee.

031468 [Lease of Real Property]
Supervisors Hall, Peskin

Resolution approving and authorizing a new lease between the City and County of San Francisco, as tenant, and the Regents of the University of California, a California corporation, as landlord, of warehouse space at 626 Forbes Boulevard, South San Francisco.

(Fiscal impact; Public Benefit Recipient.)
8/19/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31470 [Day Laborer Program]
Supervisor Ammiano

Resolution urging the Immigrant Rights Commission to explore and advise the Board of Supervisors on the management of the Day Laborer Program.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031471 [Commending members of the 2002 - 2003 Civil Grand Jury]
Supervisors Dufty, Hall, Gonzalez, Ma, McGoldrick, Ammiano, Peskin, Newsom

Resolution commending the members of the 2002 – 2003 Civil Grand Jury.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031473 [Urging Civil Service to develop staffing proposals for the Department of Elections]
Supervisors Gonzalez, Dufty

Resolution urging the Civil Service Commission and Department to consider and generate proposals for increasing the number of permanent positions in the Elections Department, creating permanent seasonal positions in the Department, and providing employee benefits that will encourage permanent and seasonal employees of the Department to continue their employment.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031475 [Commending Stern Grove Festival Association]
Supervisors Ma, Newsom, Hall

Resolution commending the Stern Grove Festival Association for its work planning and organizing the Stern Grove Festival in San Francisco and congratulating the Association on a successful 66th concert season.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031476 [Commending Old First Presbyterian Church and Doris Krauss]
Supervisor Newsom

Resolution commending the Old First Presbyterian Church on its 40th Year Anniversary, the rededication and renaming of its senior center to the "Doris Krauss Senior Center" and commending Doris Krauss for her 29-plus years of tireless dedication, commitment and overall contributions to the well-being of the senior population of San Francisco.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031477 [Commending Pets Unlimited and PAWS]
Supervisors Newsom, Dufty, Ma

Resolution commending Pets Unlimited and the Pets Are Wonderful Support ("PAWS") for collaboration in hosting this year's Doggone Fun Run on September 14, 2003 at Lindley Meadow in Golden Gate Park.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031478 [National Alcohol and Drug Addiction Recovery Month 2003]
Supervisors Newsom, Dufty, Ma

Resolution declaring September 2003 as "National Alcohol and Drug Addiction Recovery Month" in the City and County of San Francisco.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031479 [Extension of Planning Commission Review Period]
Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031480 [Commending California Coastal Conservancy]
Supervisors Peskin, Newsom

Resolution commending the California Coastal Conservancy for support of renovation, restoration, engineering, public access construction, and educational content development for exhibits in and around the South Windmill in Golden Gate Park, San Francisco.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

equests for Hearing

031458 [Proposed amendment Rule 2.28.1 of the Rules of Order]
Supervisor Gonzalez

Hearing to a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.
8/19/03, RECEIVED AND ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole pending approval of Motion (File No. 031456) on August 26, 2003.

031469 [S.F. Human Rights Commission's report on the Racial Privacy Initiative]
Supervisors Ma, Maxwell, Dufty

Hearing to review the San Francisco Human Rights Commission's report on the Racial Privacy Initiative and the anticipated impacts on City programs prepared in September 2002.
8/19/03, RECEIVED AND ASSIGNED to City Services Committee.

Motions

031455 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031456 [Amending the Rules of the Board to require proposed charter amendments to be introduced at a Board meeting held not less than 168 days prior to an election, rather than 169 days]
Supervisor Gonzalez

Motion amending Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.
8/19/03, RECEIVED AND ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole August 26, 2003.

031459 [Committee of the Whole]
Supervisor Gonzalez

Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.
8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole August 26, 2003, at 4:00 p.m.

031472 **[Approving request Clerk of the Board to carry forward $257,563 from the FY Budget]**

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-2003 Budget, unexpended annual budget appropriations in the amount of approximately $257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement. (Clerk of the Board)

8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031474 **[Co-Sponsorhip of the World Congress on the Future of Work in March 2004]**

Supervisor Gonzalez

Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

8/19/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031368 **[Zoning Map Amendment in connection with Seawall Lot 330]**

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

031369 **[General Plan Amendment in connection with Seawall Lot 330]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

PROPOSED RESOLUTIONS

031360 **[Contracting out Security Guard Services]**

Resolution Concurring with the Controller's certification that security guard services provided by Zonux Security Solutions can be performed at a lower cost than similar services performed by City and County Employees. (Parking and Traffic Department)

(Public Benefit Recipient.)

8/7/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

31371 **[Report of assessment costs for sidewalk and curb repairs - DPW Order 174,073]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order 174,073; Location: 1751 Silver Avenue.)
8/7/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003, at 4:00 p.m.

031373 **[Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 227]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,227; Locations: 279-283 Dolores Street; 439 Guerrero Street.)
8/7/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003, at 4:00 p.m.

031375 **[Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 249]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,249; Locations: 170 Flood Avenue; 1272-1274 Page Street.)
8/7/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003, at 4:00 p.m.

031382 **[Provide assertive case management to people with HIV and substance abuse and mental disorders]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of $490,947 from the Substance Abuse and Mental Health Services Administration (SAMHSA) for assertive case management for triply-diagnosed people and to enter into an agreement for the use of these funds; for the period of June 1, 2003, to May 30, 2004. (Public Health Department)

(Public Benefit Recipient.)
8/11/03, RECEIVED AND ASSIGNED to City Services Committee.

031296 **[Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]**
Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)
7/24/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

031298 **[Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**
Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)
7/24/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

031300 **[Special Assessment Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above. (Building Inspection Department)

8/7/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

Requests Granted

From: Supervisor Maxwell
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To conduct a traffic study at the intersections of San Bruno Avenue and Silver Avenue/Bayshore Boulevard and Silver Avenue. Specifically, to investigate the feasibility of installing a more comprehensive system for directing traffic. Currently, there are no signals guiding vehicles making left and right turns. This intersection has one of the heaviest flows of traffic for both pedestrian and automobiles in District 10. New senior housing in this area will create even more foot travel, and a better system must be considered to ensure the safety of residents in this area.

Due: October 3, 2003

From: Supervisor Newsom
To: Director, Department of Human Resources
Requesting/Inquiring:

1. The actual number of city employees laid off for Fiscal Year 2003-04?
2. The number of employees who were targeted for layoff for Fiscal Year 2003-04?
3. The number of employees that received notices but retain positions within the City?
4. The number of laid off employees who are currently on hold-over rosters?

This data should be categorized by Department, Class and Number of Individuals per Class, including data for City Commissions for the Fiscal Year 2003-04?

From: Supervisor Hall
To: Presiding Judge of the Superior Court
Requesting/Inquiring: Will you direct the Civil Grant Jury to post responses to their reports by City Departments on its web page?

In Memoriams

Robert McDonnell (Entire Board)
Megan Louise Furth (Supervisor Dufty)
Marc A. Howell (Supervisor Dufty)
Eleanor Cecelia (Supervisor Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 4:19 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 23, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, August 26, 2003 2:00 PM
Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvsrs

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez	Thursday 1:00 PM
City and School District Select Committee Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly	2nd Monday, bi-monthly 4:00 PM
City Services Committee Supervisors Dufty, Ma, Newsom	Thursday 9:30 AM
Finance and Audits Committee Supervisors Peskin, Sandoval, McGoldrick	Wednesday 12:30 PM
Land Use Committee Supervisors McGoldrick, Maxwell, Ammiano	Monday 1:00 PM
Rules Committee Supervisors Hall, Dufty, Gonzalez	Wednesday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

Volume 98 Number 30

Members Present: Tom Ammiano, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Daly, Dufty, McGoldrick - 3
Quorum present.

Supervisor McGoldrick was noted present at 2:05 p.m.
Supervisors Daly and Dufty were excused from attending today's meeting. (See Infra)

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Peskin, moved to approve July 22, 2003 and July 29, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 2 - Daly, Dufty

Supervisors Excused from Attendance

Supervisor Ammiano, seconded by Supervisor Peskin, moved to excuse Supervisor Daly and Supervisor Dufty from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Peskin, moved to suspend Rule 4.28 Rules of Order of the Board of Supervisors to grant the privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Supervisor Ma introduced, welcomed and presented a Certificate of Honor to Dr. Ma, Mayor of Taipei who recognized other representatives of the City of Taipei government.

CONSENT AGENDA

Recommendations of the City Services Committee

031258 **[Gift Acceptance, Laguna Honda Hospital - Passenger Van]**
Supervisors Hall, Dufty

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift donated to Laguna Honda Hospital in the amount of $37,857 from the Laguna Honda Hospital Volunteer Services, Inc. for the exclusive benefit of Laguna Honda residents. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 572-03
ADOPTED

031259 **[Gift Acceptance, Laguna Honda Hospital - Electric Vehicles]**
Supervisors Hall, Dufty

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment-two electric vehicles in the amount of $14,310 from the McKesson Corporation for the general benefit of all residents at Laguna Honda Hospital. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 573-03
ADOPTED

Recommendations of the Finance and Audits Committee

031315 **[MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]**
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.

Ordinance No. 224-03
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031316 **[MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]**
Mayor, Supervisor Dufty

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.

Ordinance No. 225-03
FINALLY PASSED

031271 [Grant of Easements in Santa Clara County]

Resolution authorizing the grant of easements to the Santa Clara Valley Transportation Authority over property in the County of Santa Clara under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution; and ratifying acts and authorizing actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 574-03
ADOPTED

Recommendations of the Land Use Committee

030941 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]

Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,111.)

Ordinance No. 220-03
FINALLY PASSED

030948 [Ordering vacation of portion of Berry Street at Sixth Street and approving a Property Exchange Agreement in Mission Bay North]

Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,110.)

Ordinance No. 221-03
FINALLY PASSED

031213 **[Amending Residential Rent Stabilization and Arbitration Ordinance]**

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another. (Rent Stabilization and Arbitration Board)

Ordinance No. 222-03
FINALLY PASSED

Recommendations of the Rules Committee

031254 **[Settlement of Lawsuit - Evelyn Mata]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for $50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 223-03
FINALLY PASSED

031338 **[Settlement of Lawsuit - Bellaire Tower Homeowners Association]**

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for $83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 226-03
FINALLY PASSED

030483 **[Recognition of marriages, domestic partnerships and civil unions]**
Supervisors Daly, Dufty, Ammiano, Gonzalez, Peskin, McGoldrick, Newsom

Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

Ordinance No. 219-03
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Severed From Consent Agenda

Supervisor Peskin requested that this matter be severed so that it could be considered separately.

031244 [Glen Park Branch Library]
Supervisor Dufty

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

Continued to September 16, 2003

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Services Committee

031227 [Liquor License, 863 Bush Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Joie de Vivre Hospitality, Inc. for Petite Auberge located at 863 Bush Street (District 3), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 569-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031256 **[State Grant - Safe Routes to School Funds]**
Supervisors Dufty, Newsom, McGoldrick

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend $444,060.00 in California State "Safe Routes to Schools" funds, with required local match of $48,940.00 (Parking and Traffic Department)

(No Public Benefit Recipient.)

Resolution No. 570-03

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031257 **[State Grant - Safe Routes to School Funds]**
Supervisors Dufty, Newsom, McGoldrick

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend $428,400.00 in California State "Safe Routes to Schools" funds, with required local match of $47,600.00. (Parking and Traffic Department)

(No Public Benefit Recipient.)

Resolution No. 571-03

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031322 **[Amendment(s) to Design Agreement for the Laguna Honda Hospital Replacement Program]**
Supervisor Hall

Resolution authorizing the Director of Public Works to execute amendment(s) to a design agreement for the Laguna Honda Hospital replacement program from $29,900,000 to $31,533,540.

(Fiscal impact.)

Resolution No. 579-03

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Recommendations of the Finance and Audits Committee

031274 **[Conservatory of Flowers - Fees]**
Supervisor McGoldrick

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.34 to establish the admission fees for the Conservatory of Flowers.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031399 **[Stow Lake and Spreckels Lake restoration, sole source contract]**
Mayor, Supervisor Hall

Ordinance authorizing the Recreation and Park Department to negotiate and enter into a sole-source contract with Aquatic Environments, Inc., Alamo, California, to dredge Stow Lake and Spreckels Lake, install aeration and circulation equipment and repair the Lake edge.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031285 **[Grant of Easements in San Mateo County]**
Resolution authorizing (retroactive to April 1, 2003 for Parcel 3) a grant of easements to the State of California over property in the County of San Mateo under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 575-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031332 **[Real Property License Agreement]**
Resolution authorizing, retroactive to April 1, 2003, a City-wide 800 MHz Radio System license agreement at the VA Medical Center, 4150 Clement Street, San Francisco for the Emergency Communications Department. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 580-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031334 **[Lease of Real Property]**
Resolution authorizing a lease renewal of 1,496 sq. ft. for an Optometrist Office at 34 Van Ness Avenue, a City owned building commonly known as 30 Van Ness. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 581-03
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031339 **[Lease of Real Property]**

Resolution authorizing the renewal of a lease of real property at 755 and 759 South Van Ness Avenue for continued use by the Department of Public Health, Community Behavioral Health Services. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 582-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Recommendations of the Land Use Committee

031198 **[CEQA Findings in Connection with the California Academy of Sciences Project]**
Mayor

Resolution affirming the Planning Commission's certification of the California Academy of Sciences Final Environmental Impact and adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the California Academy of Sciences project. (Mayor)

Resolution No. 565-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031197 **[California Academy of Sciences Project Approval]**
Mayor

Resolution approving the construction of the California Academy of Sciences project in Golden Gate Park pursuant to section 4.113 of the San Francisco Charter; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the project is consistent with the city's general plan, the Golden Gate Park master plan, and eight priority policies of city Planning Code section 101.1. (Mayor)

Resolution No. 564-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Recess

The Board, at the hour of 3:09 p.m. took a brief recess.

Reconvening of the Board

The Board, at the hour of 3:54 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, - 8

Quorum present:

Supervisor Sandoval was noted present at 3:56 p.m.
Supervisors Daly and Dufty previously excused from attending today's meeting.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Peskin introduced, welcomed and presented Certificates of Honor to members of the San Francisco Police Department, Robbery Detail and Ms. Sylvia Collins, SF Hot Tubs.

SPECIAL ORDER 4:00 P.M.

031295 **[Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Clerk of the Board)

Scott Nakamura, Department of Public Health, reviewed the Department's report with the Board.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

031296 **[Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]**

Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)

Resolution No. 576-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

SPECIAL ORDER 4:00 P.M.

031297 **[Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

Helen Zevrina, Department of Public Health, reviewed the Department's report with the Board.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

031298 **[Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)

Resolution No. 577-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

SPECIAL ORDER 4:00 P.M.

031299 **[Public Hearing]**

Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above. (Clerk of the Board)

Bob Noelke, Department of Building of Inspection, reviewed the Department's report with the Board. Supervisor McGoldrick requesting information regarding lien 505-26th Avenue. Leo McFadden BBI informed Mr. Wong that BBI will delete lien from the list.

Speakers:
Mr. Wong, owner of 505 - 26th Avenue
Warren Span, request to defer liens on property 257- 259 Oak Street
Stephen Lippel, Attorney for owners of 2126 - 2128 Mission Street

Chief Housing Inspector, BBI reviewed with the Board issues relating to 2126 -2128 Mission Street code enforcement liens.

Renard Ford, 2473 Byrant Street

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

031300 **[Special Assessment Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above. (Building Inspection Department)

Resolution No. 578-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez
Excused: 2 - Daly, Dufty

Supervisor Peskin, seconded by Supervisor Ammiano, moved to rescind the previous vote.
Motion carried by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom
Excused: 2 - Daly, Dufty

Supervisor Peskin, seconded by Supervisor Ammiano, moved to amend the report by deleting property located at 2473 Byrant Street from the code enforcement lien report.

Resolution No. 578-03

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

031458 **[Proposed amendment Rule 2.28.1 of the Rules of Order]**
Supervisor Gonzalez

Hearing to a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Rise and Report

031456 **[Amending the Rules of the Board to require proposed charter amendments to be introduced at a Board meeting held not less than 168 days prior to an election, rather than 169 days]**
Supervisor Gonzalez

Motion amending Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

Motion No. M03-150

APPROVED by the following vote:
Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

SPECIAL ORDER 4:30 P.M.

031364 **[Public Hearing - Appeal, 600 Portola Drive Tentative Subdivision Map]**
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 4, 2003, approving tentative/parcel map to legalize the construction of an 18 unit new condominium mixed-use project at 600 Portola Drive, San Francisco.

(Appeal Filed August 7, 2003 by Mr. Man Poon; companion measure to Files 031364, 031365, 031366, 031367; District 7.)

Speakers:
Man Poon, Appellant

Mr. Olsen, Tenant/Member of 600 Portola Drive project

John Kwong, Department of Public Works, reviewed with the Board the Department of Public Work's recommendation.

The President inquired if there was anyone present who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.

The President reopened the Public Hearing.

Continued to September 16, 2003.
Supervisor Peskin, seconded by Supervisor Hall, moved that this Hearing be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 2 - Daly, Dufty

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk

(Only one of the following two motions should be adopted.)

Supervisor Ammiano noted absent at 5:10 p.m.
Supervisor Newsom noted absent at 5:27 p.m.

031365 [600 Portola Drive Tentative Subdivision Map]

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Continued to September 16, 2003

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 2 - Daly, Dufty

031366 [600 Portola Drive Tentative Subdivision Map]

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Continued to September 16, 2003

Supervisor Hall, seconded by Supervisor Peskin, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 2 - Daly, Dufty

031367 [Findings - 600 Portola Drive]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Continued to September 16, 2003

Supervisor Hall, seconded by Supervisor Peskin, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 2 - Daly, Dufty

COMMITTEE REPORTS

From the Rules Committee

031349 **[Appointment]**

Resolution appointing Howard Ash and William Wilkinson for indefinite terms to the Public Utilities Commission Rate Fairness Board.

Howard Ash, new position, seat 1, must be a residential city retail customer, for an indefinite term.
William Wilkinson, new position, seat 2, must be a small business city retail customer, for an indefinite term.

Resolution No. 583-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031357 **[Confirming the appointment of Wilbert Din to the Municipal Transportation Agency Board of Directors]**

Mayor

Resolution confirming the appointment of Wilbert Din to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007.

Resolution No. 566-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

From the City Services Committee

031402 **[Extension of the First Source Hiring Program]**

Supervisors Maxwell, Dufty, Newsom, Ammiano, McGoldrick, Sandoval

Ordinance amending the San Francisco Administrative Code by amending Section 83.18 to extend the expiration date of the provisions of the First Source Hiring Program by one year.

Supervisor Ammiano and McGoldrick requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

020061 [Banner Regulations]
Supervisors Newsom, Dufty, Ma

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2004-2005, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.

Continued to September 16, 2003

Supervisor Sandoval, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

From the Land Use Committee

031194 [Recreation and Park Commission to procure construction and design/build services in connection with the California Academy of Sciences project]
Mayor, Supervisor Ammiano

Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences. (Mayor)

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Patricia Cowes; Cow Hollow; underground wiring
Richard Boardman; support of transgender marriages
Abdulla Megaheed; general issues
Male speaker; homeless and alcohol issues
Robert Pender, VP, Park Merced resident, Park Merced issues
Betty White; on behalf of the Out of the Closet (Mission Street store), neighborhood issues
Greg Stevens; support of the Independent Film Industry to San Francisco
Judy Berkowitz; File No. 031470 Item 48 on Without Reference to Committee Agenda

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

031459 **[Committee of the Whole]**
Supervisor Gonzalez

Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.

Motion No. M03-151
APPROVED

031433 **[Honoring Nancy Hom and Proclaiming September 4, 2003 Nancy Hom Day in San Francisco]**
Supervisor Sandoval

Resolution commending Nancy Hom for her significant contributions to the Asian Pacific American and Bay Area communities and proclaiming September 4, 2003 Nancy Hom Day in San Francisco.

Resolution No. 584-03
ADOPTED

031448 **[High Utility Rates]**
Supervisor Daly

Resolution urging the Controller to review published reports in the San Francisco Bay Guardian about the financial impact of high electric utility rates on our city's local economy.

Resolution No. 592-03
ADOPTED

031470 **[Day Laborer Program]**
Supervisor Ammiano

Resolution urging the Immigrant Rights Commission to explore and advise the Board of Supervisors on the management of the Day Laborer Program.

Resolution No. 593-03
ADOPTED

031471 **[Commending members of the 2002 - 2003 Civil Grand Jury]**
Supervisors Dufty, Hall, Gonzalez, Ma, McGoldrick, Ammiano, Peskin, Newsom

Resolution commending the members of the 2002 – 2003 Civil Grand Jury.

Resolution No. 585-03
ADOPTED

031473 [Urging Civil Service to develop staffing proposals for the Department of Elections]
Supervisors Gonzalez, Dufty

Resolution urging the Civil Service Commission and Department to consider and generate proposals for increasing the number of permanent positions in the Elections Department, creating permanent seasonal positions in the Department, and providing employee benefits that will encourage permanent and seasonal employees of the Department to continue their employment.

Resolution No. 594-03
ADOPTED

031475 [Commending Stern Grove Festival Association]
Supervisors Ma, Newsom, Hall

Resolution commending the Stern Grove Festival Association for its work planning and organizing the Stern Grove Festival in San Francisco and congratulating the Association on a successful 66th concert season.

Resolution No. 586-03
ADOPTED

031476 [Commending Old First Presbyterian Church and Doris Krauss]
Supervisor Newsom

Resolution commending the Old First Presbyterian Church on its 40th Year Anniversary, the rededication and renaming of its senior center to the "Doris Krauss Senior Center" and commending Doris Krauss for her 29-plus years of tireless dedication, commitment and overall contributions to the well-being of the senior population of San Francisco.

Resolution No. 587-03
ADOPTED

031477 [Commending Pets Unlimited and PAWS]
Supervisors Newsom, Dufty, Ma

Resolution commending Pets Unlimited and the Pets Are Wonderful Support ("PAWS") for collaboration in hosting this year's Doggone Fun Run on September 14, 2003 at Lindley Meadow in Golden Gate Park.

Resolution No. 588-03
ADOPTED

031478 [National Alcohol and Drug Addiction Recovery Month 2003]
Supervisors Newsom, Dufty, Ma

Resolution declaring September 2003 as "National Alcohol and Drug Addiction Recovery Month" in the City and County of San Francisco.

Resolution No. 589-03
ADOPTED

031479 [Extension of Planning Commission Review Period]
Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

Resolution No. 590-03
ADOPTED

031480 [Commending California Coastal Conservancy]
Supervisors Peskin, Newsom

Resolution commending the California Coastal Conservancy for support of renovation, restoration, engineering, public access construction, and educational content development for exhibits in and around the South Windmill in Golden Gate Park, San Francisco.

Resolution No. 591-03
ADOPTED

031379 [Final Map for a 64 Unit Residential Condominium Project]
Motion approving Final Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 235 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,007; District 9.)

Motion No. M03-146
APPROVED

031380 **[Final Map for a 64 Unit Residential Condominium Project]**

Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,008; District 9.)

Motion No. M03-147
APPROVED

031427 **[Final Map for a 100 Unit Residential Condominium Project]**

Motion approving Final Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8708, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,317; District 6.)

Motion No. M03-148
APPROVED

031455 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-149
APPROVED

031472 **[Approving request Clerk of the Board to carry forward $257,563 from the FY Budget]**

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-2003 Budget, unexpended annual budget appropriations in the amount of approximately $257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement. (Clerk of the Board)

Motion No. M03-152
APPROVED

031474 **[Co-Sponsorhip of the World Congress on the Future of Work in March 2004]**
Supervisor Gonzalez

Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

Motion No. M03-153
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Severed From Without Reference to Committee Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately

031421 **[Authorizing consulting firm to examine confidential State Board of Equalization tax records]**
Supervisor Maxwell

Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.

Resolution No. 567-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Peskin, seconded by Supervisor Newsom, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Peskin, seconded by Supervisor Newsom, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

031500 [Assembly Bill 1217]
Supervisor Peskin

Resolution commending California State Legislators for passage of Assembly Bill 1217 and urging the Governor's signature.

Resolution No. 568-03

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031497 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning Code Section 308.1 when the Board does not conduct at least three regular meetings during a deadline period]
Supervisor Gonzalez

Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under Section 308.1 when the Board of Supervisors does not conduct at least three regular meetings during a deadline period.

8/25/03, RECEIVED AND ASSIGNED to Land Use Committee.

031501 [Findings as to the need to regulate formula retail uses in the Hayes-Gough NCD and in the NC Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets regarding formula retail uses]
Supervisor Gonzalez

Ordinance to amend the Planning Code by adding section 703.3 and by amending section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/25/2003.

031502 **[Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 14]**
Supervisor Peskin

Ordinance amending section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 14 members by eliminating seats for the affordable housing developers, financial expert, parent, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to two.
8/26/03, RECEIVED AND ASSIGNED to Rules Committee.

031503 **[New administrative debarment procedure]**
Supervisor Peskin

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.
8/26/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/25/2003.

031505 **[Recreation and Park - Yacht Harbor Fees]**
Supervisor Newsom

Ordinance making environmental findings and amending the San Francisco Park Code by repealing Section 12.11 and adopting a new Section 12.11 to increase current fees and add additional rental and services fees at the San Francisco Small Craft Yacht Harbor.
8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031506 **[Appropriate funding for the sale of school bond proceeds for capital improvement projects on various school facilities]**
Mayor

Ordinance appropriating $29,480,000 of school bond proceeds for capital improvement projects on various school facilities, cost of issuance, and other related costs for the San Francisco Unified School District for fiscal year 2003-04.

(Fiscal impact.)
8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

031498 **[Authorizing issuance/sale of bond refunding the City and County of San Francisco Settlement Obligation Bonds, Series 2001 (Business Tax Judgment)]**
Mayor

Resolution authorizing and directing the sale of not to exceed $50,500,000 City and County of San Francisco Refunding Settlement Obligation Bonds, Series 2003-R1; prescribing the form and terms of said bonds, authorizing the execution, authentication and registration of said bonds; providing for an annual appropriation to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the form of the Official Notice of Sale and the Notice of the Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving the form of the Refunding Instructions; approving modifications to the documents approved herein; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.
8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031499 [Municipal Transportation Agency Leverage Lease Financing]
Mayor

Resolution authorizing one or more lease-to-service contract transactions with respect to up to 21 Breda light rail cars; approving the form of and authorizing the execution and delivery of a Participation Agreement setting forth the terms and conditions of the lease-to-service contract transaction relating to the rail cars; approving the form of and authorizing the execution and delivery of a Head Lease Agreement providing the terms and conditions pursuant to which the rail cars will be leased to a trust; approving the form of and authorizing the execution and delivery of a Head Lease Supplement supplementing the terms and conditions pursuant to which specific rail cars will be leased to the trust; approving the form of and authorizing the execution and delivery of a Sublease Agreement providing the terms and conditions pursuant to which the trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of a Sublease Supplement supplementing the terms and conditions pursuant to which the City will lease back the rail cars from the trust; approving the form of and authorizing the execution and delivery of a Payment Agreement providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold, and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of a Support and Access Agreement providing the terms and conditions pursuant to which the City will provide the trust support and access to certain property if the City chooses not to exercise the purchase option; approving the form of and authorizing the execution and delivery of an Agreement for Assignment on Default which will provide the lender to the trust with an option to purchase, and take an assignment of the equity investor's beneficial interest in the trust estate upon the occurrence of certain events ; approving the form of and authorizing the execution and delivery of a Tax Indemnification Agreement providing the terms and conditions under which the City will indemnify under certain circumstances the equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of an Insurance and Indemnity Agreement providing the terms and conditions under which the City will indemnify the strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for the equity investor; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters.

Supervisor Sandoval dissenting.
8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031500 [Assembly Bill 1217]
Supervisor Peskin

Resolution commending California State Legislators for passage of Assembly Bill 1217 and urging the Governor's signature.
8/26/03, ADOPTED.

031504 [Accept - Expend Federal Grant]
Supervisor Peskin

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $3,475,000 from the United States Transportation Security Administration for the purpose of enhancing facility and operational security at the Port's cruise, ferry and cargo terminals.

(No Public Benefit Recipient.)
8/26/03, RECEIVED AND ASSIGNED to Land Use Committee.

031507 [Accept-Expend Grant]
Mayor, Supervisor Dufty

Resolution authorizing the Director of Emergency Services to accept and expend a grant in the amount of $771,317 from the California Governor's Office of Emergency Services for emergency equipment, exercises, and planning.
8/26/03, RECEIVED AND ASSIGNED to City Services Committee.

031512 [Extension of SRO Hotel Safety and Stabilization Task Force]
Supervisors Ammiano, Gonzalez

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2004.
8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031513 [Ciaran Ferry]
Supervisor Daly

Resolution urging the Bureau of Customs and Immigration to grant asylum to Ciaran Ferry.
8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031514 [Authorizing transfer of funds and management oversight from DPW to MOCD]
Supervisor Gonzalez

Resolution authorizing transfer of funds and management oversight from the Department of Public Works to the Mayor's Office of Community Development.
8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

031510 [Continuum of Lesbian Health]
Supervisors Dufty, Ma

Hearing to consider the wide range of unique health issues affecting the lesbian community across all demographics; to receive information and research findings from the Lesbian Health Research Center of UCSF.
8/26/03, RECEIVED AND ASSIGNED to City Services Committee.

Motion

031496 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

031508 **[Amending the Rules of the Board to provide the Office of Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies]**
Supervisor Daly

Motion amending Rule No. 3.12 to the Rules of Order of the Board of Supervisors to provide a process that will allow the Office of Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies.

8/26/03, RECEIVED AND ASSIGNED to Rules Committee.

031509 **[Legislative Analyst Request - Status of 8 remaining single-screen movie theaters in San Francisco]**
Supervisors Peskin, Newsom, Gonzalez

Motion requesting the Office of Legislative Analyst to report on the status of 8 remaining single-screen movie theaters in San Francisco and the feasibility of the proposal by Save the Theaters to renovate, rehabilitate and utilize these theaters to create an environment that will help to develop and ultimately expand a purely independent film industry in the City of San Francisco.

8/26/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration September 16, 2003.

PROPOSED ORDINANCES

031383 **[Setting San Francisco's fiscal year 2003-2004 property tax rate and establishing pass-through rate for residential tenants]**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2004. (Controller)

8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

031388 **[Setting San Francisco's Unified School District's FY 2003-2004 property tax rate to be included in the City's overall property tax rate]**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2004. (Controller)

8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

031393 **[Setting S.F. Community College District's fiscal year 2003-2004 property tax rate to be included in the City's overall property tax rate]**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2004. (Controller)

8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

031425 **[Appropriate funding for the Art Commission for municipal symphony concerts using property tax revenue]**

Ordinance appropriating $23,273 for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2003-04. (Controller)

8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

031432 **[Settlement of Lawsuit - Arcadia Machine & Tool Inc. et al.]**

Ordinance authorizing the partial settlement of the lawsuit filed by the San Francisco City Attorney against certain manufactures, distributors and dealers of firearms, and their trade associations; the settling defendants are Traders Sports, Inc., Southern Ohio Gun Distributors, Ellett Brothers Inc., and MKS Supply Inc.; these settling defendants agree to the entry of stipulated judgments that will reform their firearm distribution practices, and to pay $70,000; the lawsuit was filed on May 25, 1999 in San Francisco Superior Court, Case No. 303-753, and later coordinated with similar actions in the San Diego Superior Court as part of J.C.C.P. 4095; entitled People of the State of California ex rel Herrera et al. v. Arcadia Machine & Tool Inc. et al. (City Attorney)

(No Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Rules Committee.

031439 **[Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]**

Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets. (Parking and Traffic Department)

(No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

031389 **[Amending the Redevelopment Agency Budget for Tax Increments in Mission Bay North and South]**

Resolution amending the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004 to allow the Controller to increase the tax increments distributed to the Redevelopment Agency in accordance with the Tax Increment Allocation Pledge Agreements for Mission Bay North and Mission Bay South. (Controller)

(Fiscal impact.)

8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031390 **[Lease of Real Property]**
Supervisor Daly

Resolution authorizing renewal of a lease of real property at 1372 Mission Street, for continued use by the Department of Public Health's Saint James Infirmary and STD Program Research Offices (Real Estate Department)

(Public Benefit Recipient.)
8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031394 **[Lease of Real Property]**
Supervisor Maxwell

Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 400, for continued use by the Department of Public Health, Employee Assistance Program. (Real Estate Department)

(Public Benefit Recipient.)
8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031403 **[Lease of Real Property]**
Supervisors Ammiano, Dufty

Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 401, for continued use by the Department of Public Health, STD Program Administrative Headquarters. (Real Estate Department)

(Public Benefit Recipient.)
8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031426 **[FY 2003-04 California Constitution Appropriations Limit]**
Resolution establishing the appropriations limit for Fiscal Year 2003-04 pursuant to California Constitution Article XIII B. (Controller)

(Fiscal impact; No Public Benefit Recipient.)
8/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031428 **[Federal Grant Amendments for Airport Improvement Program]**
Resolution authorizing the Airport Commission to accept amendment to grant agreements offered by the Federal Aviation Administration ("FAA") for AIP 16, AIP 17, and AIP 19; and to release grant fund from reserve, in the amount of $1,199,790 under AIP 17. (Airport Commission)

(Public Benefit Recipient.)
8/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031434 **[Approval of Public Trust Exchange]**

Resolution approving an Exchange Agreement with the State Lands Commission that would remove the public trust and Burton Act trust from approximately 22,600 square feet of unimproved real property located on Seawall Lot 330 at the corner of Bryant and Beale Streets, and would place the public trust and Burton Act trust on an approximately 10.34 acre site located between Maryland Street, Cesar Chavez Street, and 24th Street, on the eastern portion of the Western Pacific parcel. (Port)

(No Public Benefit Recipient.)
8/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

031435 **[Contracting Out City Services]**

Resolution retroactively concurring with the Controller's certification that assistance to certain victims of crime and education in community anti-street violence can be practically performed for the District Attorney's Victim Witness Assistance Program by a private contract at a lower cost than similar work services performed by City and County employees. (District Attorney)

(Public Benefit Recipient.)
8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031436 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
26th and Diamond Streets, stopping Diamond Street, making this intersection an all-way STOP;
Montecito Avenue and Northwood Drive, stopping Northwood Drive, making this uncontrolled intersection a two-way STOP; and
15th Avenue and Noriega Street, south intersection, stopping southbound 15th Avenue at Noriega Street, making this uncontrolled Y-intersection a one-way STOP. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)
8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

031437 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
9th Avenue, east side, from Lake Street to the north terminus (legislates existing street conditions);
Diamond Street, west side, from 22nd to 23rd Streets (legislates existing street conditions);
Wisconsin Street, both sides, from 19th to 20th Streets (legislates existing street conditions);
Wisconsin Street, west side, from 20th to 22nd Streets (legislates existing street conditions);
Duboce Avenue, north side, from Castro to Divisadero Streets (legislates existing street conditions);
Arkansas Street, west side, from 16th to Mariposa Streets (legislates existing street conditions);
Arkansas Street, east side, from Mariposa to 18th Streets (legislates existing street conditions);
Arkansas Street, both sides, from 18th to 19th Streets (legislates existing street conditions);
Arkansas Street, west side, from 19th to 20th Streets (legislates existing street conditions);
Rhode Island Street, east side, from 20th Street to Mariposa Street (legislates existing street conditions); and
Rhode Island Street, west side, from 19th Street to Mariposa Street (legislates existing street conditions).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Castro Street, east side, from 100 to 230 feet south of Duboce Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Melrose Avenue, along east terminus, east of Foerster Street (adjacent to Sunnyside Playground).

1-HOUR PARKING METERS, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
California Street, north side, from Locust Street to 231 feet easterly (commercial frontage only, up to 3440 California Street)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Farrugut Avenue, north side, from Alemany Boulevard to the western terminus.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
18th Street, both sides, between Clover and Douglass Streets (4500 block).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Langton Street, east side, between Folsom and Harrison Streets.

1-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Julian Avenue, both sides, between 15th and 16th Streets.

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Rondel Place, both sides, between 16th Street and south terminus. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

031438 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

NO U-TURNS - ESTABLISH
Treasure Island Road, both directions, at McCalla Road.

LEFT LANE MUST TURN LEFT - ESTABLISH
Grant Avenue, northbound, at Pine Street.

NO LEFT TURN, 4 PM TO 6 PM, EXCEPT SUNDAY - RESCIND
Montgomery Street, northbound, at Broadway. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)
8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

031446 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,311]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,311; Locations: 800 Shrader Street; 1062 Goettingen Street; 449 Frederick Street.)
8/18/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003, at 4:00 p.m.

031447 [Accept-Expend State Grant]
Supervisor Dufty

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $25,000 from the California Integrated Waste Management Board for a project that will incorporate recycled tire rubber surfaces in the Golden Gate Concourse Underground Parking Facility. (Environment)

(Public Benefit Recipient.)
8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Daly
To: City Attorney

To draft an ordinance allowing business and property tax payers to check off a box on their tax payment forms to contribute to the Public Education Special Fund.

In Memoriams

Bobby Bonds (Entire Board)
Megan Elizabeth Noble (Supervisor Newsom)
Lovie L. Ward (Supervisors Sandoval, Ammiano)

ADJOURNMENT

There being no further business, the Board at the hour of 5:35 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 30, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

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